

NORTH MARIN WATER DISTRICT
REGULATION 106
APPLICATION, AGREEMENT, AND FEES

a. Application for Service

Upon receipt of an application for sewer service the District will review it and prepare a written estimate and preliminary plan for providing sewer service. If the District determines, in its sole discretion, that the plans, specifications and other information submitted as part of the application are complete and satisfactory and in compliance with pertinent District regulations, and that there exists adequate downstream collection, treatment, and disposal capacity for the proposed service, including possible reuse, then the District shall issue a letter notifying the Applicant that the work necessary to provide the proposed service may proceed subject to the Applicant entering into an agreement with the District and paying all estimated engineering costs, construction costs, fees and charges required under this Regulation and Regulation 109.

b. Cost of Preliminary Engineering Work

The costs of preliminary engineering and planning associated with Section a. hereof shall be included as part of the cost of providing service except that in the event the District determines that the proposed service will be delayed or abandoned said costs shall become due and payable upon presentation of a bill for same to the Applicant. Should the District determine that the cost of preparing an estimate and accomplishing other engineering and planning work can reasonably be expected to exceed \$100, the Applicant shall be required to execute and advance funds for same at the time of application.

c. Estimate is Not a Commitment to Provide Service

Preparation of an estimate or any other preliminary engineering and planning work undertaken by the District in connection with the Applicant's proposed project is not to be interpreted by the Applicant as a commitment or agreement by the District, partial or otherwise, to provide sewer service. Said commitment will be made only when the District executes a sewer service agreement. The commitment of the District to provide sewer service shall be limited to the number of connections to be installed pursuant to and in accordance with the terms of the sewer service agreement.

d. Sewer Service Agreement

After the preparation of a preliminary cost estimate and plans pursuant to Section a. hereof and at the time that the Applicant desires to secure a commitment of sewer service and proceed with construction, the District shall prepare a sewer service agreement for approval and authorization by the Board of Directors.

The Applicant's execution of a sewer service agreement and payment of all engineering and construction costs, fees and charges pursuant to these regulations shall bind the Applicant and any successors thereto to comply with all provisions of all pertinent District regulations, and with the plans and specifications and other information as part of the agreement, together with such corrections and modifications as may be required or permitted by the District.

e. Small Sewer Service Agreements

When the estimated cost of the work to be performed by the District is less than \$5,000 (exclusive of charges referred to in Section g. hereof and Regulation 109), the General Manager of the District is authorized to enter into a sewer service agreement with the Applicant.

f. Inspection Fee

A fee of \$300.00 shall be paid as a condition of performing a sewer inspection.

g. Charge for Annexation to Improvement Districts

No property shall be annexed to an Improvement District unless an annexation fee is paid. The annexation fee shall be equal to the total of the following:

- (1) The total revenue from tax on land (not improvements) that the District would have received had the property to be annexed been within the Improvement District from the date of its formation, plus an amount equal to the interest revenue the District would have received on said tax revenue,
- (2) the total revenue from the annual \$10.00 per parcel sewer service availability assessment charge identified in Regulation 109 that the District would have received had the property been a buildable parcel within the current Improvement District as determined by the District plus an amount equal to the interest revenue the District would have received on said availability charge,
- (3) current Local Agency Formation Commission and/or State Board of Equalization fees for annexation, and
- (4) estimated cost of District staff time and expenses incurred to process the annexation application. The full cost of any annexation feasibility studies including preparation of environmental documents shall be borne by the person or entity requesting sewer service. Before commencing such studies said person or entity shall advance the District's estimated cost of such studies. If, after pursuing such studies, the District determines additional funds are needed to cover estimated costs, said person or entity shall advance said additional estimated required funds. Upon completing said studies any costs incurred by the District which were not covered by an advance(s) shall be paid by said person or entity upon presentation of an invoice therefore. Any unexpended funds held by the District resulting from an advance(s) shall be refunded to said person or entity, and
- (5) the allocated portion of estimated capital costs to expand the downstream collection, treatment and disposal capacity of the sewage facility to serve the property as determined solely by the District, and
- (6) the in-lieu contribution to the collection system allocated to the property proposed for annexation and based upon the present value of the portion of any assessment bond issues allocated and used to construct the existing sewage facility.

For annexations where Regulation 106 g. (5) applies, the Sewage Facility Connection Charge in accordance with Regulations 108 b. and 109 b. shall be waived.