

Olivehurst Public Utility District



Agenda Item Staff Report

Meeting Date: December 17, 2020

Item description/summary:

Streamlining the waiver of OPUD Resolution 2081 requirements. This item has been discussed in committee and Board meetings. In many instances the Board has granted a waiver to the requirements of resolution 2081 (attached) that requires property owners to re-pay capacity fees if the property has not been billed for more than 10 years. The time that the properties receiving waivers have been out of the OPUD billing system has varied between just over 10 years to 19 years. It was the Board's wish to streamline this process thereby authorizing the General Manager to approve these waivers when staff can show that there was originally a connection at the property address and capacity fees were paid at some point in time.

Fiscal Analysis:

N/A

Employee Feedback

None

Sample Motion:

Move to authorize the General Manager to approve waiver of the requirements of OPUD resolution 2081 meeting the criteria described above.

Prepared by:

John Tillotson, P.E., General Manager

OLIVEHURST PUBLIC UTILITY DISTRICT

RESOLUTION NO. 2081

**RESOLUTION OF THE BOARD OF DIRECTORS OF
OLIVEHURST PUBLIC UTILITY DISTRICT
CONFIRMING POLICY FOR PAYMENT OF
WASTEWATER TREATMENT PLANT, WATER SYSTEM,
AND COLLECTOR SYSTEM CAPACITY FEES**

WHEREAS, the Olivehurst Public Utility District (“OPUD”) is a public utility district formed and existing under the provisions of Division 7 of the Public Utility Code of the State of California; and

WHEREAS, the Board of Directors of OPUD has established capacity fees for services from its Wastewater Treatment Plant and for the capacity available from its wastewater collector system, and its domestic water system; and

WHEREAS, said fees and charges are due at the time, and at the level existing, a building permit for the connection to be made is requested; and

WHEREAS, the Board has authorized, under special agreement, payment of capacity fees in advance of building permit in order to secure funding required for the expansion of the Wastewater Treatment Plant; and

WHEREAS, the Board wishes to clarify the circumstances under which prior active connections, which have been abandoned or discontinued, must pay a new capacity fee to reacquire service; and

WHEREAS, the capacity fees of the District for water, sewer collector, and wastewater treatment plant have been substantially increased in recent years to reflect the significantly higher cost of capacity that must be installed by the District in order to meet current level of Health Department and Regional Water Quality Control Board requirements; and

WHEREAS, the Board further finds that prepaid fees do not provide a compensatory level of payment for the cost of capacity as required for the District.

NOW, THEREFORE, BE IT RESOLVED, it is the policy of the District, unless and until amended by the Board, that capacity fees and connection fees are due and payable at the time a building permit for the customer's structure is approved and that the level of fees due and owing are the fees in effect as of the date of such approval of the building permit.

BE IT FURTHER RESOLVED that prepayment of such fees will not be authorized except under special agreement approved in advance by the Board of Directors of District.

BE IT FURTHER RESOLVED that if a customer of the District's domestic water system, wastewater collector system, or wastewater treatment plant has discontinued or abandoned service, but, subsequently a new application for service is made, then re-connections and re-application for service after the passage of 10 years shall require payment of District's capacity fees for the services to be provided at the then current level. Re-connection in less than ten years from the date of discontinuance will not require payment of new capacity and connection fees.


BE IT FURTHER RESOLVED that in those circumstances where the District is holding payments which had been left on deposit with the District for which no prior agreement has been approved or for which no building permit issued, the District shall refund the amount so collected and held, with any interest that has accrued at the average interest rate paid or received by the Treasurer of the District on deposits since the time of such deposit, or, said deposit, with interest accrued, shall be applied to the then current capacity charge in force and effect at the time a building permit is issued.

PASSED AND ADOPTED this 17th day of March 2005.

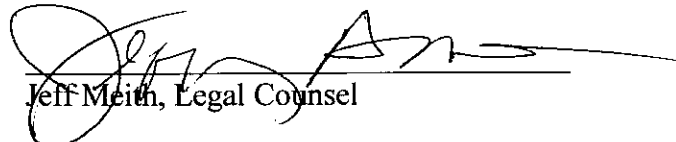
OLIVEHURST PUBLIC UTILITY DISTRICT


President, Board of Directors

ATTEST:


Deputy Clerk & ex-officio Secretary


**APPROVED AS TO FORM AND LEGAL
SUFFICIENCY**


Jeff Meith, Legal Counsel

* * * * *

I hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly adopted and passed by the Board of Directors of the Olivehurst Public Utility District, Yuba County, California, at a meeting thereof held on the 17th day of March, 2005, by the following vote:

AYES, AND IN FAVOR THEREOF:	:	Director Morrison, Patty, Hollis, Miller, and Donahue.
NOES,	:	None.
ABSTAIN	:	None.
ABSENT	:	None.


Deputy Clerk and ex-officio Secretary