

SECTION 5

FEES, CHARGES, AND REQUIREMENTS FOR AUTHORIZATION OF CONSTRUCTION

5-1 GENERAL

The authority for fees/charges is generally established in the Thousand Oaks Municipal Code, Title 10, Chapter 2. Specific fee/charge amounts are adopted by either Councilmanic resolution(s) or ordinance(s). All fee/charge amounts are only adopted following public hearings held by the City Council as required by law. Copies of the current documents are available at the Public Works Department public counter.

5-2 PLAN CHECK FEE

When water plans are first submitted, a plan check fee shall be paid by the applicant to the Public Works Department. The applicant's engineer shall calculate this fee at the current rate by means of either the "On-Site Improvement Fee Calculation" sheet or the "Off-Site Improvement Fee Calculation" sheet. The fee calculation sheet(s) shall be reviewed and approved by Public Works staff. The minimum plan check fee and the minimum change order fee shall be as established by Council resolution or ordinance. Under no circumstances shall refunds of the above fee be made.

When, in the opinion of the City Engineer, the estimated time needed for plan checking by Department personnel has exceeded the amount calculated (and paid), the applicant or his engineer shall submit additional plan check fees to the Department. This typically occurs when the quality of the plans submitted require multiple (four or more) plan check submittals and resubmittals. The City shall determine the amount of this additional plan check fee, and subsequent plan check submittals will not be accepted or checked until the additional fees have been paid to the City.

5-3 SUBMITTAL OF PRINTS (PLAN CHECK)

Two sets of prints for proposed water improvements, one copy of the final tract map (where appropriate), one complete set of plans for those improvements other than water, and one copy of the completed improvement fee calculation sheet shall be submitted, together with the plan check fee for the first plan check. The applicant or applicant's engineer shall submit preliminary plans in accordance with these Standards. Incomplete plans or submittals may be just cause for rejection. The applicant and the applicant's engineer should be aware that most projects involve several plan checks before the drawings are deemed to be in a satisfactory state where they can be approved by the City Engineer.

Also required will be fire flow calculations which indicate the criteria used in determining the size of the lines and adequacy of backbone facilities, including reservoirs.

5-4 SPECIAL SITUATIONS OR CONDITIONS

If there are unusual conditions which would require substantial deviation from the City Water Standards such conditions and the resulting deviation(s) shall be submitted in writing prior to tentative map and/or development project approval or, in any case, prior to submittal of the first plan check. Deviations that pertain to water pressure are of particular concern, and shall be disclosed before submitting for plan check. Where properties proposed for development are situated outside the City's established service area (typically situated within the unincorporated area of the County known as Ventu Park), the applicant shall enter into an Extraterritorial Agreement with the City, complete the Out of Agency Service Agreement Application with the County Local Agency Formation Commission (LAFCO), and pay all established fees to the City, County and the State of California.

5-5 INSPECTION FEE

The inspection fee shall be per Council resolution or ordinance, and shall be determined and paid based on the most current rates and unit prices applicable at the time the project goes to City Council for authorization to construct.

Construction inspection fees for special situations, as determined by the Public Works Department, such as inspections on Saturdays, Sundays, City holidays or beyond normal working hours, shall be charged in accordance with the current hourly overtime rates as set forth in the user fee manual and adopted by the City Council.

5-6 EASEMENTS

Where a City-owned water main is constructed on private property, an easement of sufficient width, as determined by the City, must be granted to the City. The applicant's engineer shall prepare a legal description of the easement and a sketch (on an 8½" x 11" sheet format) showing said easement; City staff will prepare the easement deed and insert the legal description and sketch. The sketch will be attached to the deed and both will be forwarded to the City Clerk's Office for processing and recording. Easement deeds and legal descriptions are required even where the easement is shown on the recorded tract map in order to clarify for future owners of the property their rights and limitations as it pertains to construction of improvements, landscaping and any other physical features within said easement area. The easement deed (including legal description and sketch) must be in a form acceptable to the City prior to approval of the water plans.

5-7 AGREEMENTS, INSURANCE, AND BONDS

An agreement, bonds, and insurance shall be submitted by the applicant prior to approval of plans. The City will provide the applicant with the proper forms.

5-7.1 Agreements: An agreement for construction of subdivision or non-subdivision improvements, as applicable, shall be entered into by and between the applicant and the City. The agreement shall be submitted in duplicate with notarized signatures.

5-7.2 Insurance: Applicant shall obtain an insurance policy certificate with limits as stated in the agreement. Attention is particularly called to the City's requirements concerning submittal of an "Accord" form. The insurance certificate shall include general liability, auto liability and workers compensation insurance in amounts as required by the Public Works Department or City Attorney. The City, its officers, elected officials, employees and agents, shall be named as additional insured. Evidence of additional insured must be presented by either a separate endorsement page in the policy or evidence that the policy covers anyone who contracts with the insured. Policies should not expire sooner than 30 days from the date of the certificate, and the notice of cancellation period must be no less than 30 days. Any reference in the cancellation clause to "endeavor to" or "but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives" must be deleted. Proof of Insurance shall be supplied by the agent filling out the City's Certificate of Insurance form signed by the agent as agent or attorney-in-fact.

5-7.3 Bonds: Applicant shall furnish to the City good and sufficient bonds executed by a corporation authorized to transact business in the State of California, and shall be submitted in duplicate and notarized. Certificates of deposit or letters of credit may be substituted for a bond. Bonds shall be in the sum of 100 percent of the estimated cost of improvements, including contingencies of construction.

5-7.3.1 Faithful Performance: Bond shall assure the faithful performance of the agreement.

5-7.3.2 Labor and Materials: Bond shall assure payment of the cost of the labor and materials for the required improvements.

5-8 WILL-SERVE LETTER

Since the City of Thousand Oaks is a purveyor of water, no will-serve letter is necessary for development within City limits. Will-serve letters are issued only for those parcels that lie outside the City limits, but within the City's service area boundary.

Prior to issuance of a will-serve letter the applicant's property shall have access to a City water main at a location approved by the City. The applicant shall be required to pay all connection fees to the City and the Calleguas Municipal Water

District. The applicant may be required to annex to the City or execute an Extraterritorial Agreement with LAFCO.

The will-serve letter shall stipulate that although the subject property lies outside the City, it is within the City's service area and that the City will provide water service subject to the terms, conditions and limitations outlined in the will-serve letter, and as required by the Municipal Code and/or required by these Standards. For tracts, the issuance of a will-serve letter by the Public Works Department shall normally precede recordation.

5-9 APPROVAL FOR CONSTRUCTION

Upon receipt and review of all documents, bonds, and fees, staff shall prepare a resolution for City Council action, which is accompanied by, or refers to, the following material:

1. Original Mylar drawings of the water plans.
2. Agreement for construction of water facilities.
3. Easement deed(s) and/or copy of final tract map(s).
4. Faithful Performance and Labor and Materials bonds.

The Public Works Department will sign the original mylar plans only after approval by City Council, and will notify the applicant's engineer that the plans are signed and available. Staff will return the original plans to the applicant's engineer, who shall then provide the Public Works Department with one mylar copy and three sets of prints. The applicant's engineer shall retain possession of the original plans until the Record Drawing Certificate is signed, at which time the originals become the City's property. The original mylar plans shall then be returned to the Public Works Department by means of a transmittal letter to document the date they are received.

No construction should occur before the plans are signed and before the proper five day Public Works Department notification has been given. This notification will allow time for a preconstruction meeting of all interested parties.

The Public Works Department and the applicant's engineer have a direct relationship via the documents outlined above. Therefore, to the extent possible, both correspondence and verbal communication should be between these parties rather than the Public Works Department and the contractor or subcontractor(s).

5-10 WATER CONNECTION FEES

5-10.1 **General:** No building permit shall be issued on parcel of property connected to the City's water system until all water connection fees have been paid. The only exception is for affordable housing projects which have special fee policies.

- 5-10.2 Plant Investment Fee: The plant investment fee is a charge based upon either the meter size required for the building or project, or upon the intended use, such as a condominium, townhome, apartment or motel unit. Said fee is subject to annual revision by the City Council, effective on or about December 1 of each year.
- 5-10.3 Special Facilities Surcharge: In selected water service zones where the collection of plant investment fees would not allow for construction of necessary water improvements, as determined by the City Council, a special facilities surcharge shall be assessed. The fee shall be due and payable concurrent with or prior to payment of the plant investment fee. The fee shall be assessed based on the intended use of the building.
- 5-10.4 Fire Flow Surcharge: In recognition that a significant portion of the water system capital cost is attributable to the provision of fire protection, there shall be a fire flow surcharge based upon the approved fire flow requirement as set by the County of Ventura Fire Protection District. Projects having required fire flows exceeding 1,250 gallons per minute are subject to fire flow surcharge fees.
- 5-10.5 Calleguas Municipal Water District: No permits for connection or approvals for construction of water facilities associated with development projects shall be approved or otherwise granted until the applicant has first satisfied the requirements of the Calleguas Municipal Water District's Ordinance No. 14 covering capital facilities charges. The applicant shall make arrangements with the Calleguas Municipal Water District to satisfy their requirements. The Public Works Department requires a copy of the District's release for the project prior to signing the plans.

5-11 SERVICE LINE, METER, OR FIRE HYDRANT INSTALLATION

- 5-11.1 General: All work performed by the Public Works Department shall be paid by the applicant. The charge for installation of a service line, meter, or fire hydrant shall be based upon prevailing costs of materials and labor plus fringe benefits and an allowance for overhead. A deposit shall be paid prior to the installation service, meter, or fire hydrant. After installation, the actual cost will be determined and adjustments made, either in the form of a refund of part of the deposit amount or additional payment by the applicant. The established deposit amounts are based on generalized conditions, and where the Department determines that a higher deposit is required, the applicant shall pay the higher deposit amount.
- 5-11.2 Service Line: The applicant will install the required service line as part of the construction of main line extensions. The Public Works Department will then install the meter(s). Service line connections to existing City owned main lines shall only be constructed by the Public Works Department, unless special permission is granted by the City Engineer.
- 5-11.3 Meter: The Public Works Department shall install the meter(s) for all new service lines.

- 5-11.4 Fire Hydrant: The applicant will install the required service line and fire hydrant as part of the construction of main line extensions. Service line connections to existing City owned main lines may only be constructed by the Public Works Department, unless special permission is granted by the City Engineer.

5-12 MAIN LINE EXTENSION, OVERSIZING AGREEMENT, AND LOCAL SHARE

- 5-12.1 General: Under certain conditions the applicant can be reimbursed for a portion of the cost associated with the installation of a water facility, typically a main line. Any reimbursement will be by agreement and pursuant to the requirements of these Standards and the Municipal Code. If any applicant desires to enter into a reimbursement agreement with the City, such arrangements shall be made prior to the time authorization to construct the waterlines (or system) is given by the City Council. The reimbursement agreements for main line extensions involve future payments to the applicant installing the improvements if and when the City receives funds from other benefiting properties. In regard to a City contribution for oversizing a line, no City contribution can be considered unless the line is 10 inches or greater in diameter.
- 5-12.2 Main Line Extension: The City may require an off-site water main which may, in the opinion of the Public Works Director, qualify for reimbursement subject to payback through a reimbursement agreement. Where a water main must be extended to serve a property, the main extension normally shall be constructed by the property owner requesting service. That portion of the project costs, as approved by the Public Works Director, which benefits other properties may be subject to payback through a reimbursement agreement. To qualify, there must be benefiting properties which have agreed to participate or that can be required to participate through normal City procedures and the improvement must provide a substantial benefit to those properties. Further, the party requesting the reimbursement agreement must make the necessary arrangements for the reimbursement agreement prior to City Council authorization to construct the waterline.
- 5-12.3 Oversizing Agreement: The City, by written agreement, may provide for a method of reimbursement or other paybacks to applicants for a portion of the actual costs for the design and construction of oversizing facilities, such as a transmission line(s) of 10 inches or greater in diameter.
- 5-12.4 Local Share: An applicant requesting a water connection to an existing water main which is the subject of a reimbursement agreement, in addition to all other charges otherwise required to be paid upon connection, shall pay an extension charge to the City prior to the requested connection being made.