

**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

RESOLUTION NO. 17- 52

**AN AMENDED AND RESTATED RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SANTA CLARA VALLEY WATER DISTRICT FOR THE ADOPTION OF A FEE SCHEDULE
FOR DISTRICT WELL PERMITS**

WHEREAS, the District Well Ordinance (Ordinance 90-1) was adopted by the Board of Directors on April 24, 1990.

WHEREAS, Section 5.1 of the District Well Ordinance requires a permit for the construction, modification, or destruction of wells in Santa Clara County.

WHEREAS, Section 6.5 of the District Well Ordinance allows the Board to adopt well permit fees to cover District costs required for the review of well permit applications, issuance of well permits, Board hearings of appeals, and inspection and documentation of work authorized under the ordinance.

WHEREAS, Section 1 (e) of Article XIII C of the California Constitution provides, in part,

- (e) As used in this Article, "tax" means any levy, charge, or exaction of any kind imposed by a local government, except the following:
 - (2) A charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product.
 - (3) A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

WHEREAS, the District has determined the fees specified in the fee schedule for District well permits, attached hereto as Exhibit A, reflect the reasonable costs (including employee wages, benefits, and supplies) to the District in processing permit applications, inspecting permitted work, and managing data associated with permit inspections.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Water District that:

1. The Board finds that the establishment of well permit fees is statutorily exempt from review under the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21080(b)(8).
2. The Board finds that the establishment of the fees set forth in the fee schedule for District well permits attached hereto as Exhibit A "Fee Schedule", reflects the reasonable cost to the District to administer well permits and inspections.

3. The Board finds that the fees specified in the Fee Schedule are not taxes under the express provisions of Section 1 (e) (2) and (3) of Article XIII C of the California Constitution.
4. When the District Chief Executive Officer (CEO) determines that a waiver of fees specified in the Fee Schedule is in the best interests of the District, the CEO may enter into an agreement with other public entities for a mutual waiver of like-kind permit fees.
5. The Board does hereby adopt the Fee Schedule in order to provide the services to process and issue well permits and inspect permitted work.
6. The Fee Schedule will be effective September 1, 2017.
7. Resolution No. 13-24 adopted by the District on April 23, 2013 is hereby amended and restated in its entirety as set forth in this amended and restated resolution. This amended and restated resolution shall take effect on September 1, 2017.

PASSED AND ADOPTED by the Board of Directors of Santa Clara Valley Water District by the following vote on July 25, 2017:

AYES: Directors N. Hsueh, T. Estremera, B. Keegan, G. Kremen
L. LeZotte, R. Santos, J. Varela

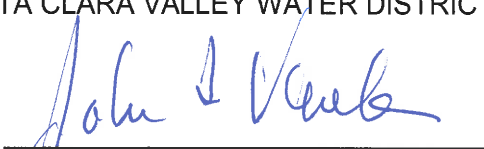
NOES: Directors None

ABSENT: Directors None

ABSTAIN: Directors None

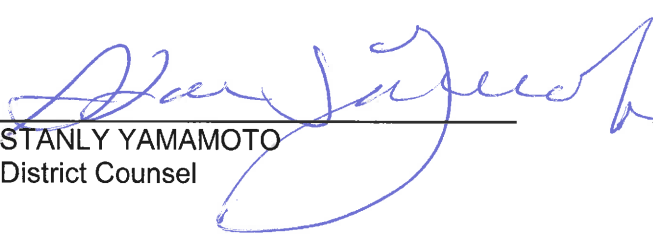
SANTA CLARA VALLEY WATER DISTRICT

By:


JOHN L. VARELA
Chair/Board of Directors

APPROVED AS TO FORM AND LEGALITY

ATTEST: MICHELE L. KING, CMC


STANLY YAMAMOTO
District Counsel


Clerk/Board of Directors

SANTA CLARA VALLEY WATER DISTRICT

Well Permit Fee Schedule

Effective: September 1, 2017

Exhibit A of Board Resolution No. 17- 52

Permit Type	Permit Fee	Comment
Well Construction	\$500 per well	Applied to all devices requiring a well construction permit
Well Destruction	\$410 per well	Applied to all devices requiring a well destruction permit
Well Reconstruction	\$230 per well	Applied to all events requiring a well reconstruction permit
Closed Loop Geothermal Heat Exchange Well System	See Below	Based on number of wells in proposed system ¹
Exploratory Boring	\$375 per site/event	Applied per site, per continuous event
Standby Well Permit	\$375 initial \$275 extension	For all new standby permits and permit extensions (permit void after two years)
Permit Fee Refund	70% of permit fee	

Closed Loop Geothermal Heat Exchange Well Permit Fee Schedule¹

Number of Wells in Proposed System	Permit Fee
1 to 5	\$700
6 to 10	\$930
11 to 20	\$1,300
21 to 50	\$2,125
51 to 100	\$2,800
101 to 200	\$5,625
201 to 300	\$8,435
More than 300	\$11,250

1 – Open loop geothermal heat exchange wells are permitted and regulated as water supply wells. One Well Construction Permit is required for each well installed.

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