

ORDINANCE NO. 88-1

An Ordinance of the Rancho Murieta Community Services District adopting Chapter 12 of the District Code, relating to miscellaneous fees for District services.

BE IT ORDAINED by the Board of Directors of the Rancho Murieta Community Services District, Rancho Murieta, Sacramento County, California, as follows:

SECTION ONE:

Chapter 12 is hereby added to the District Code and reads as follows:

Section 1.00 General Provisions

- 1.01 Title. This Chapter shall be known as the "Miscellaneous Fees Code" and may be cited as such.

Section 2.01 Transfer Fee

- 2.01 Purpose of Transfer Fee. The transfer fee is designed to recover the District's actual costs in matters relating to the transfer of title of property within the District. Such costs include, but are not limited to, staff time spent changing District records; staff time spent corresponding with escrow agents or similar services about the status of an account; the costs of supplemental meter readings when necessary; and costs of notices to owners.
- 2.02 Person: For purposes of sections 2.00-2.11, "person" shall mean any person, firm, company, corporation, partnership, association, any public corporation, political subdivision, city, county, district, the State of California, or the United States of America, or any department or agency thereof.
- 2.03 Owner: For purposes of sections 2.00-2.11, "owner" shall mean any person who by contract of sale; deed; deed with security as trust deed, mortgage, or other evidence of indebtedness; estate or other color of right; or color of title; has fee title or demonstrates, or ostensibly demonstrates the authority to grant, or accept the incidents of ownership to any lot of land within the District.

- 2.04 District: For purposes of sections 2.00-2.11, "District" shall mean the Rancho Murieta Community Services District.
- 2.05 Lot: For purposes of sections 2.00-2.11, "lot" shall mean any piece or parcel of land within the District that is bounded, defined, or shown upon a map or deed recorded or filed in the office of the County Recorder of Sacramento County.
- 2.06 Sale: For purposes of sections 2.00-2.11, "sale" shall mean the transfer of fee interest in a lot by contract of sale; deed; deed with security as trust deed, mortgage, or other evidence of indebtedness; sale with lease back; or other manner of grant of the incidents of ownership of any lot. "Sale" shall include a donative transfer or any other transfer without consideration, but shall not include either a transfer to a lienholder following any foreclosure of that lienholder's interest, or an involuntary transfer upon inheritance or devise. "Sale" shall include, however, any resulting transfer to a new owner by a lienholder who has foreclosed or by an owner who acquired an interest in the lot upon inheritance or devise.
- 2.07 Transfer Fee: At the time that an escrow agent, or similar service, requests information from the District regarding the status of an owner's account in anticipation of a sale of an owner's lot or lots, the District may fix onto the account of such owner a transfer fee of \$25.00 per lot to be sold. Adjoining or multiple lots that are the subject of the proposed sale shall be considered separate lots for purposes of this transfer fee. In the event that a sale of a lot or lots occurs without the aid of an escrow agent or similar service, the transfer fee shall be assessed onto the new owner's account at the time that the District is informed of the sale.
- 2.08 Failure to Close: In the event that the proposed sale does not occur, the District shall not collect the transfer fee or fees and shall credit any account upon which a fee had been imposed in anticipation of the proposed sale.
- 2.09 Collection of Fee: The transfer fee or fees shall be separately itemized and added to the final statement of account sent to the escrow agent or similar service. The transfer fee or fees shall be collected by the escrow agent or other similar service as part of the closing of the sale and forwarded to the District. Upon receipt of both the transfer fee or fees, and a copy of the deed or other instrument of

transfer, the District shall credit the new owner's account. In the event that the buyer and seller do not use an escrow agent or similar service, or if the District does not receive the transfer fee or fees from the escrow agent or similar service, the new owner of the lot or lots shall remain liable to the District for such fees and will be billed directly.

- 2.10 Delinquency: In the event that the District separately bills the new owner in accordance with sections 2.07 and 2.09 of this Miscellaneous Fees Code, the charges for such transfer fee or fees shall be due and payable when mailed or delivered. Unpaid bills for transfer fees shall be deemed delinquent, and delinquent charges imposed and collected, in the same manner as described in sections 9.05 through 9.07 and 9.09, including any subsequent amendments, of the District's Water Code.
- 2.11 Change of Fee Amount by Resolution: The District may change the amount of the transfer fee from time to time by resolution or ordinance duly adopted by its Board of Directors.

Section 3.00 Enforcement

- 3.01 Lien: Delinquent fees and charges imposed under this chapter shall become liens upon the lot or lots for which the fee was imposed in the same manner as described in section 9.08 of the District's Water Code.
- 3.02 Recovery of Costs: In the event that the District is required to bring legal action to enforce any provision of this Chapter, including but not limited to, the collection of delinquency fees and charges, the District shall be entitled to recover its reasonable attorney's fees, interest and other costs of suit.
- 3.03 Means of Enforcement Only: The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty.
- 3.04 Cumulative Remedies: All remedies set forth herein for the collection and enforcement of rates, charges, and penalties are cumulative and may be pursued alternatively, concurrently, or consecutively.

Section 4.00 Severability

4.01 Severability: The Board hereby declares that it would have passed this ordinance and thereby adopted this Chapter, or any section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared to be unconstitutional.

If any section, subsection, sentence, clause or phrase of the ordinance or the application thereof to any person or circumstances is for any reason held unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Chapter or the application or such provisions to other persons or circumstances.

SECTION TWO:

To the extent the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms and provisions of any prior District ordinances, resolutions, rules, or regulations, the terms of this Ordinance shall prevail with respect to the subject matter hereof and such inconsistent or conflicting terms and provisions of prior ordinances, resolutions, rules, and regulations are hereby repealed.

SECTION THREE:

The establishment, modification, structuring, restructuring and approval of the fees, rates and charges heretofore set forth in SECTION ONE hereof, are for the purposes of continuing to provide funds to meet the District's costs of operation and maintenance, supply and equipment, financial reserve, debt service and capital replacement needs, and are necessary to maintain and improve services within the District's existing service boundaries.

SECTION FOUR:

If any provisions of this ordinance or application thereof to any person or circumstances is held invalid, no other provision of this ordinance shall be affected thereby.

SECTION FIVE:

The rates and charges set forth above are not discriminatory or excessive and will otherwise comply with law.

SECTION SIX:

The Board of Directors of the District hereby find that the enactment of this Chapter is exempt from further review under the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21080(b)(8)). The fees and charges set forth in this ordinance are solely to meet operating expenses and to purchase supplies to meet needs arising out of the transfer of ownership to property within the District. Such expenses include, but are not limited to, the costs of staff time spent changing District records, staff time spent corresponding with escrow agents or similar agents about the status of an account, the costs of supplemental meter readings, when necessary, and the costs of notices to owners. The District hereby finds that the fees imposed are a reasonable estimate of, and no more than, the District's actual costs in providing the information and performing the work incident to a transfer of ownership.

In addition, the District hereby finds that the enactment of this chapter is also exempt from further review under CEQA by virtue of Section 15061(b)(3) of the State CEQA guidelines (Title 14 of the California Code of Regulations) in that it can be seen with certainty that the adoption of the fees and charges imposed under this ordinance will not have a significant effect on the environment. The District's Board of Directors hereby authorize the General Manager of the District to file with the Sacramento County Clerk a Notice of Exemption in conformance with this finding.

SECTION SEVEN:

This Ordinance shall be published within ten (10) days of adoption in a newspaper of general circulation published within the District. This Ordinance shall take effect upon adoption.

PASSED AND ADOPTED by the Board of Directors of Rancho Murieta Community Services District, Sacramento County, California at a meeting duly held on March 16, 1988, by the following vote on roll call:

AYES: Directors: Brandt, Devlin, Simpson, Wegner

NOES: Director: Dudley

ABSENT: None

ABSTAIN: None



President, Board of Directors
Rancho Murieta Community
Services District

ATTEST:

Linda D. Eversole

Secretary, Board of Directors
Rancho Murieta Community
Services District

March 17, 1988

Sacramento County Recorders Office
P.O. Box 839
Sacramento, CA 95804

Dear Sir or Madam:

Please record the enclosed notice of exemption for the Rancho Murieta Community Services District dated March 16, 1988. After recording please return the document to P.O. Box 1050, Rancho Murieta, CA 95683.

No fee is attached since we are a public agency (a community services district) and we were informed by your office that nothing is due.

If there are any questions regarding the recording of this document, please call at 985-3481.

Thank you.

Very truly yours,

Linda Eversole
District Secretary



Rancho Murieta Community Services District

7248 MURIETA DRIVE, SUITE B-8 • P.O. BOX 1050 • RANCHO MURIETA, CA 95683 • (916) 354-2428 985-3481

APPENDIX E

NOTICE OF EXEMPTION

Dated: March 16, 1988

TO: Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

District
FROM: Rancho Murieta Community Services
P.O. Box 1050
Rancho Murieta, CA 95683

x County Clerk
County of Sacramento

Project Title

Transfer Fee Ordinance

Project Location - Specific

Rancho Murieta Community Services District
7248 Murieta Drive, Rancho Murieta, CA 95683

Project Location - City

Rancho Murieta

Project Location - County

Sacramento

Description of Nature, Purpose, and Beneficiaries of Project

To recover the District's actual costs relating to transfer of title of property within the District.

Name of Public Agency Approving Project

Rancho Murieta Community Services District

Name of Person or Agency Carrying Out Project

Rancho Murieta Community Services District

Exempt Status: (Check One)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c)).

Reasons why project is exempt:

The establishment of rates are exempt from CEQA per Section 15273 of the Guidelines.

Contact Person

Marion Cravens, Manager

Area Code/Telephone/Extension

(916) 985-3481

If filed by applicant: (Not applicable)

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes No

Date Received for Filing:

Richard E. Smith
Signature

President

Title

Revised March 1986

STATEMENT OF CHARGES
REGARDING
PROPOSED TRANSFER ORDINANCE

MARCH 1, 1988

PROCEDURES FOR TRANSFERRING OWNERSHIP

	Time	Charges
1. The escrow company will call or send a letter to CSD requesting a demand letter. Greg Hall will then pull the information from the computer and give them a verbal status of the account. Then Greg will write the information onto a form so that the demand letter can be typed.	10 Mins.	\$5.80
2. The secretary will type the letter, make copies, stamp, mail and file the demand letter.	10 Mins.	\$5.80
3. Two days prior to closing the escrow company will call again to either verify charges or to have the meters read and a closing statement mailed. Then Greg will write up a service order and have a service person from the water department read the meter.	10 Mins.	\$5.80
4. Then the meter will be read.	20 Mins.	\$11.60
5. Greg will then input the meter reading into the computer and generate a closing statement. This is done on the last day of each month.	15 Mins.	\$8.70
6. When the payment is received, along with a copy of the grant deed, Greg will change the CSD records into the new owners name and deposit the payment. If the payment is received without a copy of the grant deed this will require an additional phone call. If the payment is late this requires another statement to be mailed.	15 Mins.	\$8.70
7. Sam will then mail a welcome letter and file the grant deed.	5 Mins.	\$2.90
	1hour and 25 mins.	\$49.30

This schedule is based on our current billing rate of \$35.00 an hour for each District employee.