

RESOLUTION NO. 13-330

RESOLUTION ADOPTING A DISINCENTIVE PERMIT FEE RATE

WHEREAS, the Fort Bend Subsidence District (the "District") is authorized by its enabling legislation, Chapter 8834, Special District Local Laws Code (the "Act"), to provide for the regulation of groundwater to control and prevent subsidence within the District; and

WHEREAS, Section 8834.212(a) of the Act provides that at the time a permit is issued or renewed, the Board shall collect from the permittee a permit fee, established by schedule, based on the term of the permit and the maximum amount of groundwater authorized by the Board to be withdrawn annually from the well; and

WHEREAS, Section 8834.212(c) of the Act provides that the rate of the fee shall be determined by the Board after a hearing; and

WHEREAS, the Board of Directors on September 24, 2003, adopted Resolution No. 03-187, establishing the District's 2003 Regulatory Plan, which called for a disincentive fee to be established for permittees not in compliance with the District's regulations; and

WHEREAS, on February 27, 2013, at a regular meeting, the Board adopted Resolution No. 13-327 calling for a public hearing to hear testimony on a proposed disincentive permit fee on March 27, 2013, at 3:00 p.m. at 301 Jackson Street, Richmond, Fort Bend County, Texas, and notice of such hearing was duly given, delivered, mailed, published, and posted pursuant to Section 8834.114 of the Act; and

WHEREAS, on March 27, 2013, the public hearing was held and testimony received regarding the proposed disincentive permit fee; and

WHEREAS, the Board has conducted extensive investigation and research and has further deliberated as a Board to determine the amount necessary to establish an adequate disincentive to non-compliance with the District's regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FORT BEND SUBSIDENCE DISTRICT THAT:

1. All statutory requirements and conditions for the establishment of a disincentive permit fee have been met by the Board.
2. The Board of Directors hereby establishes a disincentive permit fee rate of \$6.50 per 1,000 gallons of authorized withdrawal.
3. The disincentive permit fee rate is to be implemented and applied in accordance with this Resolution, the requirements of the 2003 District Regulatory Plan, and other applicable Board policies or resolutions.
4. The permit fee rate so adopted shall be effective for all permits issued with a term beginning on or after January 1, 2014, and shall continue in effect until modified by the Board of Directors by resolution.
5. The disincentive permit fee rate so adopted is in addition to the District's existing or amended regular permit fee rate schedule.
6. Any funds collected from the disincentive permit fee shall be accounted for and maintained separately from other funds of the District.
7. Any funds collected from the disincentive permit fee shall be expended by Board resolution or policy in accordance with the regulatory purposes of the District.

AND IT IS SO ORDERED.

PASSED AND ADOPTED ON THIS THE 27TH DAY OF MARCH, 2013.

FORT BEND SUBSIDENCE DISTRICT

BY: 
Chairman

ATTEST:


Secretary