

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors

AGENDA NO. **7.D.**

FROM: John F. Weigold IV, General Manager

Meeting Date: March 19, 2020

Subject: DISCUSSION AND CONSIDERATION
OF REQUEST FROM GREENSPACE
FOR TRANSFER OF IRRIGATION
METER

RECOMMENDATIONS:

Staff recommends that the Board of Directors continue to discuss and consider the request from Greenspace to approve the transfer of an irrigation meter from property on Pierce Avenue (APN 023-362-030) to Greenspace's Creekside Reserve, located at 2264 Center Street (APN 013-264-23) and the request to waive the associated fees.

FISCAL IMPACT:

The CCSD's Fee Schedule provides that transfers (Meter/Position Relocation) of an active service are required to pay for the actual cost, including a 10% fee for administrative overhead and advance a \$750 deposit; however, Greenspace has requested that the District waive any fees related to the transfer. As discussed at the March 12, 2020 Board Meeting, there could be costs to relocate the meter of as much as \$5,000.

DISCUSSION:

At the March 12, 2020 meeting, the Board of Directors discussed a request from Greenspace to approve a transfer of an irrigation meter that is currently located on Pierce Avenue (APN 023-362-030) to Greenspace's Creekside Reserve at 2264 Center Street (APN 013-264-23). As explained in the letter, the previous owner of the Pierce Avenue property, Jesse Arnold, would like to donate the meter to Greenspace for use on its Creekside Reserve property for maintenance and to support its Monterey Pine Tree propagation program.

As noted in the previous staff report, irrigation meters are recognized as "existing commitments" under CCSD Municipal Code Section 8.04.030(A)(3) and are also considered to be a "position" under CCSD Municipal Code Sections 8-04.010 and 8.04.040. Transfers of irrigation meters are not specifically called out or addressed in the CCSD Municipal Code; however, such a transfer could be accomplished under subsection E of CCSD Municipal Code Section 8.04.100, which provides as follows:

Notwithstanding any other provision of this section, the general manager with prior approval of the board in closed or open session, may enter into contracts to transfer existing water commitments, including commercial commitments, residential commitments on commercial property, to reduce current and/or future water demand, provide affordable housing opportunities, permanently retire lots from development, and/or provide for permanent open space.

During the discussion of Greenspace's request on March 12, 2020, several issues arose and the item was continued to the March 19, 2020 meeting. As noted in the prior staff report, staff has indicated that to satisfy the provision in Section 8.04.100E that the transfer would "reduce current and/or future water demand," water use could be limited. The historic water use for the irrigation meter over the last 9 fiscal years averaged 9 units annually, with a high of 21 units in 2013 and a low of 0 units in 2015. Greenspace has requested that any provision limiting use be based upon use of 35 units per year; however, this would not appear to satisfy the reduced water demand requirement of the municipal code.

Greenspace has also asked that the District waive any costs associated with the relocation of the irrigation meter. As noted at the meeting and in the above Fiscal Impact section, the cost of installation of the relocated meter could be as high as \$5,000. After inspecting the site, staff estimates this installation would be approximately \$2,500. The actual cost of time and materials, plus 10% administrative overhead, is billed against a \$5,000 deposit that is collected prior to work being performed. Charges include the actual cost of materials (plumbing fittings, meter, meter box, etc.), labor, and use of heavy equipment, such as the vacuum trailer and dump truck which are billed as hourly rates (see the District's fee schedule). Any unexpended portion of the deposit is refunded to the customer after the work is performed.

Finally, a question has been raised regarding whether Mr. Arnold actually still owns the irrigation meter since he has sold the underlying property. As noted, the CCSD Municipal Code does not address transfer of irrigation meters, although active meters on single family residential properties are allowed to be transferred from one property to another. Typically, a water meter is not personal property, but would be considered to be a fixture, which as a legal concept means something that is permanently attached (fixed) to real property. In any case, a meter would normally run with the land and be the property of a new owner of the parcel. If Mr. Arnold has in some fashion retained ownership of the irrigation meter when he sold the property, he will need to provide evidence of that ownership and proof that he has a right to transfer it, so that the current owner of the property does not raise objections regarding its proposed relocation.

It is recommended that the Board continue to consider and discuss Greenspace's request in light of the foregoing issues. If it would like to proceed with the proposed transfer, the Board should give staff direction regarding the inclusion of restrictions or conditions to be included in a transfer agreement, as well as Greenspace's request to waive fees.