

WATER AND SEWER SYSTEM DEVELOPMENT FEE

SUPPORTING ANALYSIS

Town of Aberdeen, North Carolina



DRAFT

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1.0 INTRODUCTION

During the 2017 session, the North Carolina General Assembly passed House Bill 436 in order to give water and sewer service providers the authority to charge fees for system development and capacity. Before implementing a system development fee schedule, service providers are required to complete a supporting analysis to document and detail the establishment of fees. The following report describes the methodology and assumptions used in establishing the system development fee for the water and sewer systems.

2.0 SYSTEM OVERVIEW

The Town of Aberdeen operates water and sewer systems that provide service to users throughout the town limits. The following sections provide an overview of the main components contributing to the systems overall capacity.

2.1 Existing Water System

The Town of Aberdeen operates a water system under PWS ID# 03-63-020, and consist of water supply wells, five elevated storage tanks, and approximately 29 miles of 2-inch through 14-inch water mains. Only the 10-inch and larger distribution mains were included in the system development fee calculation.

The Town's water supply consists of 20 groundwater supply wells with a combined 12-hour capacity of approximately 2.0 MGD. Two of the wells (#12 & #13) include on site treatment systems. The remaining wells require only chemical feed equipment. In addition to wells, the Town has interconnections for emergency situations with surrounding water systems owned by the Town of Southern Pines, Moore County Public Utilities, and Hoke County.

2.2 Existing Sewer System

The Town of Aberdeen owns and operates a wastewater collection system that consists of approximately 20 miles of 6-inch through 14-inch gravity mains; 7 sewer pump stations; and approximately 4.8 miles of 3-inch through 8-inch forcemain.

All wastewater from the town is discharge to the Moore County gravity sewer outfall at multiple locations throughout the service area and conveyed to the Moore County regional treatment facility for treatment and disposal. The Moore County facility was constructed in 1977 and was upgraded recently to a total capacity of 10.0 MGD. Average daily flow from the Town of Aberdeen is approximately 0.734 MGD.

3.0 METHODOLOGY

The system development fees for the Town of Aberdeen water and sewer systems have been calculated based on methods recommended by the American Water Works Association (AWWA) in the Manual of Water Supply Practices M1, Principles of Water Rates, Fees, and Charges. This manual, as well as House Bill 436, references three basic methods for fee calculation as follows:

- **Buy-In Method:** This method is based on the value of the systems capacity, and is useful when sufficient capacity is available for new development.
- **Incremental Cost Method:** This method is based on cost required for system expansion to serve new development, and is useful when little or no capacity is available. The fee is based on the cost of components needed to serve new development.
- **Combined Approach:** This method is useful when a system has capacity for development in a portion of the system components, but improvements are needed in other areas.

For the Town of Aberdeen, we have determined that the combined approach is most appropriate for both the water and sewer system development fees since future capacity improvements are scheduled. As required by the house bill, the system development fee calculation includes a revenue credit to prevent new rate payers from being charged twice for system capacity. The legislation requires the revenue credit to, “reflect a deduction of either the outstanding debt principal or the present value of projected water and sewer revenues received by the local governmental unit for the capital improvements necessitated by and attributable to such new development, anticipated over the course of the planning horizon”. In addition, the calculated revenue credit must not be less than 25% of the aggregate cost of the capital improvements.

The Town of Aberdeen has no outstanding debt associated with the water and sewer systems. Because of this, a revenue credit does not apply to the existing system since the existing system has been paid for by the existing customer base. However, several key system components were installed using grant or developer funding. The appropriate deduction from the calculated fees have been applied for these grant or developer funded system components. A revenue credit has been applied to the estimated cost of future capital improvements to prevent customers from being charge twice for future improvements.

3.1 Water System Development Fee

As noted, the combined approach was used to determine the appropriate system development fee for the water system. System components included in the determination included the water supply wells and associated treatment, booster pump stations, storage tanks, land, and transmission mains.

3.1.1 Water System Buy-In Method

The process of calculating the system development fee included developing an inventory of system components and assigning a value to each component. The component cost was determined by estimating the replacement cost of a new component with equal capacity and deducting depreciation. Component depreciation was calculated using the straight-line depreciation based on estimated remaining life with no salvage value.

After determining the depreciated value, deductions were applied for grant or other funding contributions. Deductions for grant funding were based on the percentage of grant funding obtained for the original construction project. Note that NCDOT has paid to installed two wells to replace existing wells that were contaminated due to NCDOT activities. The cost of these wells is included in the calculated fees since they replace wells installed with Town funding. The following table summarizes the maximum allowable system development fee related to water system components as a cost per gallon of total capacity. Detailed estimates for water system component are included in **Appendix A**.

Table 1: Water System Development Fee Buy-In Method Summary

System Component	Estimated Total Replacement Value	Estimated Remaining Life (%) ¹	Depreciated Value ²	% Eligible for System Development Fee	System Development Fee Value
Water Supply Wells	\$6,522,236.92	77.48%	\$5,053,241.58	70.69%	\$3,571,996.38
Elevated Storage Tanks	\$5,622,590.00	62.36%	\$3,506,477.50	50.02%	\$1,753,915.00
Pumping & Transfer Stations	\$678,010.00	73.45%	\$498,010.00	36.75%	\$183,010.00
Transmission Mains	\$3,287,625.00	55.59%	\$1,827,604.79	61.59%	\$1,125,651.67
Total Capacity Development Value					\$6,634,573.05
Outstanding Debt Principal					\$0.00
Adjusted Value					\$6,634,573.05

¹ The estimated remaining life is based on time of construction and/or current condition.

² Reflects the deduction for grant and other contributions to construction.

3.1.2 Water System Incremental Cost Method

The value of planned improvements including two additional water supply wells were included in the determination of system values to be applied by the incremental cost method. A revenue credit equal to 25% of the estimated cost of the capital improvements was deducted from the estimated value of the improvements.

Table 2: Water System Development Fee Incremental Cost Method Summary

System Component	Estimated Total Replacement Value	Estimated Remaining Life (%)	Depreciated Value	% Eligible for System Development Fee	Eligible Value for SDF
New Supply Wells (2)	\$833,000.00	100%	\$833,000.00	100%	\$833,000.00
Total Capacity Development Value					\$833,000.00
Credit (25% of Eligible Value)					\$208,250.00
Adjusted Value					\$624,750.00

3.1.3 Combined Water System Development Fee

In applying the combination of the buy-in and incremental cost methods, it is necessary to calculate the allowable system development fee as a weighted average of existing and future capacity. The following table summarizes the water system development fee for the combined method.

Table 3: Combined Water System Development Fee

Capacity Item	Value	Capacity
Existing Capacity	\$6,634,573.05	2,037,000.00
Future Capacity	\$624,750.00	100,000.00
Total	\$7,259,323.05	2,137,000.00
Unit Value of Combined Capacity (cost/gallon)	\$3.40	

3.2 Sewer System Development Fee

As with the water system, the calculation of the sewer system development fee was completed using a combination of the Buy-In Method and Incremental Cost Method. Ultimately, the fee is based on the value of crucial pump stations, forcemains, and gravity outfalls as well as the value of system improvements needed for future capacity.

3.2.1 Sewer Buy-In Method

The portion of the total sewer system development fee attributable to the buy-in method was calculated as described for the water system fee. The current-day replacement cost of new components of equal capacity was determined less depreciation. In addition, the percentage of grant or other outside funding was deducted. As noted, the Town does not have outstanding debt associated with

the sewer system. For this reason, a revenue credit was not applied to the buy-in method. The following table provides a summary of the sewer system development fee calculation. Detailed estimates for sewer system components are provided in **Appendix B**.

Table 4: Sewer System Development Fee Buy-In Method Summary

System Component	Estimated Total Replacement Value	Estimated Remaining Life (%) ¹	Depreciated Value	% Eligible for System Development Fee ²	Eligible Value for SDF
Main Outfall (14-inch & 12-inch)	\$919,489.61	55%	\$505,719.29	100%	\$505,719.29
12-inch Downtown Outfall	\$295,186.07	30%	\$88,555.82	100%	\$88,555.82
10-inch US Hwy 1 Outfall	\$702,309.17	45%	\$316,039.13	100%	\$316,039.13
10-inch Western Outfall	\$500,740.21	50%	\$250,370.10	100%	\$250,370.10
Southeast Industrial Park Sewer	\$2,427,917.92	65%	\$1,578,146.65	0%	\$0.00
Hwy 5 Industrial Park Sewer	\$720,369.77	70%	\$504,258.84	100%	\$504,258.84
Southwest Interceptor Phase 1	\$1,046,882.18	97%	\$1,015,475.71	100%	\$1,015,475.71
Total Capacity Development Value					\$2,680,418.90
Credit (Outstanding Debt Principal)					\$0.00
Adjusted Value					\$2,680,418.90

¹ The estimated remaining life is based on time of construction and/or current condition.

² Reflects the deduction for grant and other contributions to construction.

3.2.2 Incremental Cost Method

The value of planned gravity outfall improvements was included in the determination of system values to be applied by the incremental cost method for the sewer system. The proposed project will receive an estimated 50% of the necessary funding from the Moore County School Board. As such, the eligible value for the system development fee was adjusted accordingly. Also, a revenue credit equal to 25% of the Town's cost was deducted from the capital improvement value.

Table 5: Sewer System Development Fee Incremental Cost Method Summary

System Component	Estimated Total Replacement Value	Estimated Remaining Life (%)	Depreciated Value	% Eligible for System Development Fee	Eligible Value for SDF
Southwest Interceptor Phase 2	\$1,206,942.01	100%	\$1,206,942.01	50%	\$600,000.00
Total Capacity Development Value					\$600,000.00
Credit (25% of Eligible Value)					\$150,000.00
Adjusted Value					\$450,000.00

3.2.3 Combined Sewer System Development Fee

As with the water system, the allowable system development fee was calculated as a weighted average of existing and future capacity. The following table summarizes the sewer system development fee for the combined method.

Table 6: Combined Sewer System Development Fee

Capacity Item	Value	Capacity
Existing Capacity	\$2,680,418.90	2,300,000.00
Future Capacity	\$450,000.00	0.00
Total	\$3,130,418.90	2,300,000.00
Unit Value of Combined Capacity (cost/gallon)	\$1.36	

4.0 FEE ADJUSTMENT, COLLECTION, AND USE

As noted in the tables above, the water and sewer system developments fees should not exceed \$3.40 per gallon for the water system and \$1.36 per gallon for the sewer system. The following table provides the system development fees for a typical, three-bedroom residential dwelling unit.

Table 7: System Development Fee's for Residential Customers

Development Fees	Capacity Allocation ¹	Capacity Cost per Gallon (Maximum)	Total Fee
Water System	400	\$3.40	\$1,360.00
Sewer System	360	\$1.36	\$489.60
Total (Maximum Allowable)			\$1,849.60

¹ These capacities are based on 15A NCAC 18C.0409 and 15A NCAC 02T .0114.

4.1 Fee Adjustment for Non-Residential Usage

The fees noted above would be typical for a normal residential unit, but adjustments would need to be made for customers needing more or less capacity. The two most common approaches are basing the charge on the meter size or permitted flow. Each of these methods is described below.

Meter Size: This approach is common and relatively easy to implement and includes an adjustment to the baseline fee based on the ratio of the increase in capacity for larger meters. The ratio would be based on meter equivalencies published by AWWA. The following table summarizes the fee schedule using this method for meter sizes through 4-inch and the baseline fees shown in Table 5.

Table 8: Fee Adjustments Based on Meter Size & Type

Meter Size	Maximum-Rated Safe Flow (gpm)	Meter Equivalent Ratio	Sewer SDF	Water SDF	Total
5/8" Displacement	20	1.0	\$489.60	\$1,360.00	\$1,849.60
3/4" Displacement	30	1.5	\$734.40	\$2,040.00	\$2,774.40
1" Displacement	50	2.5	\$1,224.00	\$3,400.00	\$4,624.00
1-1/2" Displacement	100	5.0	\$2,448.00	\$6,800.00	\$9,248.00
2" Displacement	160	8.0	\$3,916.80	\$10,880.00	\$14,796.80
3" Singlejet	320	16.0	\$7,833.60	\$21,760.00	\$29,593.60
3" Compound, Class 1	320	16.0	\$7,833.60	\$21,760.00	\$29,593.60
3" Turbine, Class 1	350	17.5	\$8,568.00	\$23,800.00	\$32,368.00
4" Singlejet	500	25.0	\$12,240.00	\$34,000.00	\$46,240.00
4" Compound, Class 1	500	25.0	\$12,240.00	\$34,000.00	\$46,240.00
4" Turbine, Class 1	630	31.5	\$15,422.40	\$42,840.00	\$58,262.40

Permitted Flow: This approach would use the NCDEQ design daily flow requirements for the proposed development to determine the appropriate system development fee. This approach is not as simple as the approach based on meter size but is preferable since it would accurately account for the capacity allocation of the proposed development. Permitted flow should be based on a combination of the Wastewater Design Flow Rates given in 15A NCAC 02T .0114 and daily water flow requirements given in 15A NCAC 18C .0409. The total daily design flow of the proposed development would be multiplied by the unit cost for capacity adopted by the Town. As an example, a new full-service restaurant with 30 seats would be permitted for a capacity of 1,200 GPD. The water system development fee for this restaurant would be \$4,080.00 assuming a unit capacity cost of \$3.40 per gallon, and the sewer system development fee would be \$1,632.00 assuming a unit capacity cost of \$1.36 per gallon.

4.2 Timing for Collection of System Development Fees

The house bill places restrictions on when system development fees are collected and how the fees can be utilized. For new developments, fees can be collected either at the time of plat recordation or when the Town commits to providing water or sewer service. For all other new development, the Bill stipulates that the fee be collected at the time of application for service.

4.3 Use of System Development Fees

The house bill also restricts usage of system development fees. SDF's calculated using the incremental cost method or marginal cost method can only be used to pay for cost associated with construction of the associated capital improvements, including

construction contracts, surveying, engineering, and land acquisition. System development fees can also be used to pay principal and interest on bonds, notes, or other obligations issued for these costs. If no capital improvements are planned for within five years, the fees collected can be used to pay principal and interest on bonds, notes, or other obligations issued to construct or acquire existing capital improvements.

Revenue from system development fees calculated using the buy-in method may be used for previously completed capital improvements that have excess capacity, and for capital rehabilitation projects.

All revenue from system development fees must be accounted for by means of a capital reserve fund established in accordance with Part 2 of Article 3 of Chapter 159 of the General Statutes and limited as to expenditure in accordance with Section 162A-211 of House Bill 436.

A copy of House Bill 436 is included in **Appendix C** for further review by the Town and legal counsel.

5.0 CONCLUSION AND RECOMMENDATIONS

Based on the value of existing system components and future cost to be incurred to meet demands for growth, we recommend that the Town of Aberdeen adopt a schedule for assessment of system development fees. The fees given in this report are the maximum allowable that could be adopted, and the Town may set the fees less than these amounts. In addition, we recommend that the Town update this analysis and the system development fee schedule every five years.

It should be noted that Moore County has implemented system development fees for wastewater treatment costs. All fees assessed directly to the Town of Aberdeen or directly to developers would be in addition to the fees noted in this study. As such, the Moore County fees should be a separate charge in addition to the fee's adopted by the Town.

As noted previously, we recommend adopting a fee schedule based on permitted flow and unit cost of capacity for each system. Table 9 provides a summary of the maximum allowable fees for various developments. We appreciate the opportunity to assist the Town with this analysis and can be available for additional discussion at the Town's convenience.

Table 9: Town of Aberdeen Water & Sewer System Development Fee Schedule

Development Type	Water System Development Fee (@ \$2.63/gallon)		Sewer System Development Fee (@ \$5.52/gallon)	
1 & 2 Bedroom Residential Single-Family Units	\$918.00	/unit	\$326.40	/unit
All other Single Family Residential	\$1,360.00	/unit	\$489.60	/unit
Multifamily Residential	\$459.00	/bedroom	\$163.20	/bedroom
General Business, Office, and Factories (Excluding Industrial Use)	\$85.00	/employee/shift	\$34.00	/employee/shift
General Business, Office, and Factories (Excluding Industrial Use) with Showers or Food Prep	\$119.00	/employee/shift	\$47.60	/employee/shift
Churches	\$10.20	/seat	\$4.08	/seat
Churches with Kitchen	\$17.00	/seat	\$6.80	/seat
Full Service Restaurant	\$136.00	/seat	\$54.40	/seat
Fast Food Restaurant	\$68.00	/seat	\$27.20	/seat
Laundromat	\$1,700.00	/machine	\$680.00	/machine
Medical & Dental Offices	\$850.00	/practitioner/shift	\$340.00	/practitioner/shift
Hospital	\$1,020.00	/bed	\$408.00	/bed
Day Care & Preschool	\$85.00	/person	\$34.00	/person
Schools (Including Gym & Showers)	\$51.00	/student	\$20.40	/student
Service/Gas Stations & Convenience Stores	\$850.00	/plumbing fixture	\$340.00	/plumbing fixture
Car Wash	\$4,080.00	/bay	\$1,632.00	/bay
Fitness Center	\$170.00	/100 ft ²	\$68.00	/100 ft ²
Stores & Shopping Centers	\$340.00	/1,000 ft ²	\$136.00	/1,000 ft ²
Stores & Shopping Centers with Food Service	\$442.00	/1,000 ft ²	\$176.80	/1,000 ft ²

Notes:

1. Fees are based on design flow given in 15A NCAC 02T .0114 or 15A NCAC 18C .0409 and the system development fee cost per gallon for each system.
2. For development types not given in the table above, fees should be calculated based on unit capacities given in 15A NCAC 02T .0114 and system development cost per gallon as approved by the Town.
3. "Practitioners" include medical doctors, dentists, nurse practitioners, other nurses, and dental hygienists.
4. "Persons" include students, staff, and for day care homes students, staff and residents.
5. "Plumbing fixture" means an individual sink, toilet, urinal, faucet, soda/drinking fountain, or hose connection.

**APPENDIX A: WATER SYSTEM COMPONENT
DETAILED ESTIMATES**

Water Supply Well Replacement Estimate Summary

Well ID	Available Supply (MGD)	Estimated Total Replacement Value	Remaining Useful Life	Depreciated Value	% Eligible for SDF	System Development Fee Value
Well - 3	0.119	\$288,653.85	49%	\$141,440.38	100%	\$141,440.38
Well - 6	0.120	\$289,076.92	53%	\$153,210.769	100%	\$153,210.77
Well - 7	0.094	\$281,250.00	53%	\$149,062.500	100%	\$149,062.50
Well - 8	0.181	\$306,846.15	61%	\$187,176.154	100%	\$187,176.15
Well - 10	0.072	\$274,903.85	68%	\$186,934.615	0%	\$0.00
Well - 11	0.064	\$272,513.46	87%	\$237,086.712	100%	\$237,086.71
Well - 12	0.180	\$556,634.62	69%	\$384,077.885	0%	\$0.00
Well - 13	0.133	\$667,884.62	70%	\$467,519.231	0%	\$0.00
Well - 14	0.084	\$278,436.54	77%	\$214,396.135	100%	\$214,396.13
Well - 15	0.072	\$274,903.85	72%	\$197,930.769	100%	\$197,930.77
Well - 16	0.154	\$299,019.23	70%	\$209,313.462	0%	\$0.00
Well - 17	0.155	\$299,230.77	78%	\$233,400.000	0%	\$0.00
Well - 18	0.104	\$284,423.08	85%	\$241,759.615	100%	\$241,759.62
Well - 19	0.068	\$273,846.15	88%	\$240,984.615	100%	\$240,984.62
Well - 20	0.064	\$272,513.46	92%	\$250,712.385	100%	\$250,712.38
Well - 21	0.064	\$272,513.46	92%	\$250,712.385	100%	\$250,712.38
Well - 22	0.072	\$274,903.85	94%	\$258,409.615	100%	\$258,409.62
Well - 26	0.084	\$278,436.54	99%	\$275,652.173	100%	\$275,652.17
Well - 27	0.084	\$278,436.54	99%	\$275,652.173	100%	\$275,652.17
Well - 28	0.094	\$281,250.00	100%	\$281,250.000	100%	\$281,250.00
Property (Not Including Wells 10, 12, 13, 17, and 17) ¹		\$216,560.00	100%	\$216,560.000	100%	\$216,560.00
Total	2.062 MGD	\$6,522,236.92	77.48%	\$5,053,241.58	70.69%	\$3,571,996.38

¹ Based on tax value

Booster Pump Station Replacement Estimate

System Component	Estimated Total Replacement Value	Remaining Useful Life	Depreciated Value	% Eligible for SDF	System Development Fee Value
Hwy 5 BPS	\$450,000.00	70%	\$315,000.00	0%	\$0.00
Bethesda BPS	\$225,000.00	80%	\$180,000.00	100%	\$180,000.00
Bethesda BPS Property ¹	\$3,010.00	100%	\$3,010.00	100%	\$3,010.00
Total	\$678,010.00	73.45%	\$498,010.00	36.75%	\$183,010.00

¹ Based on tax value

Elevated Storage Replacement Estimate Summary

System Component	Estimated Total Replacement Value	Remaining Useful Life	Depreciated Value	% Eligible for SDF	System Development Fee Value
Tank - 2	\$973,125.00	52%	\$506,025.00	100%	\$506,025.00
Tank - 3	\$1,785,625.00	60%	\$1,071,375.00	0%	\$0.00
Tank - 4	\$973,125.00	70%	\$681,187.50	0%	\$0.00
Tank - 5	\$1,785,625.00	64%	\$1,142,800.00	100%	\$1,142,800.00
Property (Tanks 2 and 5) ¹	\$105,090.00	100%	\$105,090.00	100%	\$105,090.00
Total	\$5,622,590.00	62.36%	\$3,506,477.50	50.02%	\$1,753,915.00

¹ Based on tax value

Tank #2 Replacement Estimate

Description	Qty./Unit	Unit Cost	Extended Price
0.300 MG Elevated Storage Tank	1 LS	\$700,000.00	\$700,000.00
Site Piping, Fence, Access Road, & Control Valves	1 LS	\$60,000.00	\$60,000.00
SCADA & Electrical	1 LS	\$15,000.00	\$15,000.00
Erosion Control	1 LS	\$3,500.00	\$3,500.00
Total Construction			\$778,500.00
Construction Contingency			\$77,850.00
Administrative Cost (Design, Inspection, Contract Administartion, Permitting, Legal, etc.)			\$116,775.00
Total Estimated Replacement Value			\$973,125.00

Tank #3 Replacement Estimate

Description	Qty./Unit	Unit Cost	Extended Price
0.500 MG Elevated Storage Tank	1 LS	\$1,350,000.00	\$1,350,000.00
Site Piping, Fence, Access Road, & Control Valves	1 LS	\$60,000.00	\$60,000.00
SCADA & Electrical	1 LS	\$15,000.00	\$15,000.00
Erosion Control	1 LS	\$3,500.00	\$3,500.00
Total Construction			\$1,428,500.00
Construction Contingency			\$142,850.00
Administrative Cost (Design, Inspection, Contract Administartion, Permitting, Legal, etc.)			\$214,275.00
Total Estimated Replacement Value			\$1,785,625.00

Tank #4 Replacement Estimate

Description	Qty./Unit	Unit Cost	Extended Price
0.300 MG Elevated Storage Tank	1 LS	\$700,000.00	\$700,000.00
Site Piping, Fence, Access Road, & Control Valves in Vault	1 LS	\$60,000.00	\$60,000.00
SCADA & Electrical	1 LS	\$15,000.00	\$15,000.00
Erosion Control	1 LS	\$3,500.00	\$3,500.00
Total Construction			\$778,500.00
Construction Contingency			\$77,850.00
Administrative Cost (Design, Inspection, Contract Administartion, Permitting, Legal, etc.)			\$116,775.00
Total Estimated Replacement Value			\$973,125.00

Tank #5 Replacement Estimate

Description	Qty./Unit	Unit Cost	Extended Price
0.500 MG Elevated Storage Tank	1 LS	\$1,350,000.00	\$1,350,000.00
Site Piping, Fence, Access Road, & Control Valves in Vault	1 LS	\$60,000.00	\$60,000.00
SCADA & Electrical	1 LS	\$15,000.00	\$15,000.00
Erosion Control	1 LS	\$3,500.00	\$3,500.00
Total Construction			\$1,428,500.00
Construction Contingency			\$142,850.00
Administrative Cost (Design, Inspection, Contract Administration, Permitting, Legal, etc.)			\$214,275.00
Total Estimated Replacement Value			\$1,785,625.00

Transmission Main Replacement Estimate Summary

Project	Replacement Cost	Remaining Life	Depreciated Value	% Eligible for SDF	System Development Fee Value
Hwy 5 Transmission Main	\$655,781.25	70%	\$459,046.88	0%	\$0.00
US1 Transmission Main	\$1,202,687.50	40%	\$481,075.00	100%	\$481,075.00
15-501 Transmission Main	\$749,729.17	64%	\$479,826.67	100%	\$479,826.67
Hwy 211 Transmission Main	\$404,843.75	60%	\$242,906.25	0%	\$0.00
Poplar Street Transmission Main Replacement Estimate	\$274,583.33	60%	\$164,750.00	100%	\$164,750.00
Totals	\$3,287,625.00	55.59%	\$1,827,604.79	61.59%	\$1,125,651.67

Hwy 5 Transmission Main Replacement Estimate

Description	Qty./Unit	Unit Cost	Extended Price
14" C-900 PVC Water Main	14,550 lf	\$45.00	\$654,750.00
14" DIP Water Main	3,000 lf	\$65.00	\$195,000.00
12" C-900 PVC Water Main	2,400 lf	\$40.00	\$96,000.00
12" DIP Water Main	200 lf	\$60.00	\$12,000.00
Valves	13 ea	\$3,000.00	\$40,300.00
Bends & Fittings	27 ea	\$950.00	\$25,650.00
Fire Hydrant Assembly	20 ea	\$3,500.00	\$70,525.00
30" Casing Installed by Bore & Jack	600 lf	\$375.00	\$225,000.00
Cleanup and Testing	20,150 lf	\$1.00	\$20,150.00
Erosion Control	10 ac	\$3,500.00	\$35,000.00
Total Construction			\$524,625.00
Contingency			\$52,462.50
Administrative Cost (Design, Inspection, Contract Administration, Permitting, Legal, etc.)			\$78,693.75
Sub-Total Estimated Replacement Value			\$655,781.25

US1 Transmission Main Replacement Estimate

Description	Qty./Unit	Unit Cost	Extended Price
12" C-900 PVC Water Main	600 lf	\$40.00	\$24,000.00
12" DIP Water Main	100 lf	\$60.00	\$6,000.00
10" C-900 PVC Water Main	5,300 lf	\$35.00	\$185,500.00
10" DIP Water Main	4,500 lf	\$55.00	\$247,500.00
12" HDPE Installed by Directional Bore	1,000 lf	\$285.00	\$285,000.00
Valves	7 ea	\$2,500.00	\$17,500.00
Bends & Fittings	14 ea	\$850.00	\$11,900.00
Fire Hydrant Assembly	11 ea	\$3,500.00	\$36,750.00
20" Casing Installed by Bore & Jack	500 lf	\$300.00	\$150,000.00
Cleanup and Testing	10,500 lf	\$1.00	\$10,500.00
Erosion Control	5 ac	\$3,500.00	\$17,500.00
Total Construction			\$962,150.00
Contingency			\$96,215.00
Administrative Cost (Design, Inspection, Contract Administration, Permitting, Legal, etc.)			\$144,322.50
Sub-Total Estimated Replacement Value			\$1,202,687.50

15-501 Transmission Main Replacement Estimate

Description	Qty./Unit	Unit Cost	Extended Price
10" C-900 PVC Water Main	8,200 lf	\$35.00	\$287,000.00
10" DIP Water Main	1,000 lf	\$55.00	\$55,000.00
12" HDPE Installed by Directional Bore	500 lf	\$285.00	\$142,500.00
Valves	6 ea	\$2,500.00	\$15,333.33
Bends & Fittings	13 ea	\$850.00	\$11,050.00
Fire Hydrant Assembly	9 ea	\$3,500.00	\$32,200.00
20" Casing Installed by Bore & Jack	100 lf	\$300.00	\$30,000.00
Cleanup and Testing	9,200 lf	\$1.00	\$9,200.00
Erosion Control	5 ac	\$3,500.00	\$17,500.00
Total Construction			\$599,783.33
Contingency			\$59,978.33
Administrative Cost (Design, Inspection, Contract Administration, Permitting, Legal, etc.)			\$89,967.50
Sub-Total Estimated Replacement Value			\$749,729.17

Hwy 211 Transmission Main Replacement Estimate

Description	Qty./Unit	Unit Cost	Extended Price
12" C-900 PVC Water Main	11,150 lf	\$40.00	\$446,000.00
12" DIP Water Main	650 lf	\$60.00	\$39,000.00
10" C-900 PVC Water Main	3,150 lf	\$35.00	\$110,250.00
10" DIP Water Main	500 lf	\$55.00	\$27,500.00
Valves	10 ea	\$2,500.00	\$25,750.00
Bends & Fittings	21 ea	\$850.00	\$17,850.00
Fire Hydrant Assembly	15 ea	\$3,500.00	\$54,075.00
20" Casing Installed by Bore & Jack	150 lf	\$300.00	\$45,000.00
Cleanup and Testing	15,450 lf	\$1.00	\$15,450.00
Erosion Control	8 ac	\$3,500.00	\$28,000.00
Total Construction			\$323,875.00
Contingency			\$32,387.50
Administrative Cost (Design, Inspection, Contract Administration, Permitting, Legal, etc.)			\$48,581.25
Sub-Total Estimated Replacement Value			\$404,843.75

Poplar Street Transmission Main Replacement Estimate

Description	Qty./Unit	Unit Cost	Extended Price
10" C-900 PVC Water Main	2,550 lf	\$40.00	\$102,000.00
10" DIP Water Main	250 lf	\$60.00	\$15,000.00
Valves	2 ea	\$2,500.00	\$4,666.67
Bends & Fittings	4 ea	\$850.00	\$3,400.00
Fire Hydrant Assembly	3 ea	\$3,500.00	\$9,800.00
20" Casing Installed by Bore & Jack	250 lf	\$300.00	\$75,000.00
Cleanup and Testing	2,800 lf	\$1.00	\$2,800.00
Erosion Control	2 ac	\$3,500.00	\$7,000.00
Total Construction			\$219,666.67
Contingency			\$21,966.67
Administrative Cost (Design, Inspection, Contract Administration, Permitting, Legal, etc.)			\$32,950.00
Sub-Total Estimated Replacement Value			\$274,583.33
Total Transmission Main Replacement Cost			\$2,537,895.83

APPENDIX B: SEWER SYSTEM COMPONENT DETAILED ESTIMATES

Sanitary Sewer Outfall Replacement Estimates

Main Outfall (14-inch & 12-inch)				
14" PVC Sanitary Sewer	600	LF	\$125.00	\$75,000.00
14" DI Sanitary Sewer	200	LF	\$180.00	\$36,000.00
14" DI Sanitary Sewer Installed on Piers	700	LF	\$220.00	\$154,000.00
12" PVC Sanitary Sewer	2,000	LF	\$80.00	\$160,000.00
12" DI Sanitary Sewer	275	LF	\$125.00	\$34,375.00
12" DI Sanitary Sewer Installed on Piers	525	LF	\$200.00	\$105,000.00
5' Dia. Manhole	5	EA	\$4,000.00	\$20,000.00
20" Casing Installed by Bore & Jack	150	LF	\$425.00	\$63,750.00
Clearing & Grubbing	1	AC	\$8,000.00	\$8,000.00
Asphalt Open Cut & Patch	1,000	SY	\$75.00	\$75,000.00
Erosion Control	0.6	AC	\$4,500.00	\$2,479.34
Cleanup & Testing	1,325	LF	\$1.50	\$1,987.50
Total Construction Cost				\$735,591.84
Construction Contingency				\$73,559.00
Administrative Cost (Design, Inspection, Contract Administration,				\$110,338.78
Total Project Cost				\$919,489.61

12-inch Downtown Outfall				
Description	Quantity		Unit Price	Extended Price
12" PVC Sanitary Sewer	500	LF	\$80.00	\$40,000.00
12" DI Sanitary Sewer	1,000	LF	\$125.00	\$125,000.00
4' Dia. Manhole	5	EA	\$3,500.00	\$17,500.00
20" Casing Installed by Bore & Jack	110	LF	\$425.00	\$46,750.00
Erosion Control	1.0	AC	\$4,500.00	\$4,648.76
Cleanup & Testing	1,500	LF	\$1.50	\$2,250.00
Total Construction Cost				\$236,148.76
Construction Contingency				\$23,615.00
Administrative Cost (Design, Inspection, Contract Administration,				\$35,422.31
Total Project Cost				\$295,186.07

Sanitary Sewer Outfall Replacement Estimates (Cont.)

10-inch Western Outfall				
Description	Quantity		Unit Price	Extended Price
10" PVC Sanitary Sewer	3,000	LF	\$75.00	\$225,000.00
10" DI Sanitary Sewer	200	LF	\$115.00	\$23,000.00
4' Dia. Manhole	11	EA	\$3,500.00	\$38,500.00
20" Casing Installed by Bore & Jack	75	LF	\$425.00	\$31,875.00
Asphalt Open Cut & Patch	900	SY	\$75.00	\$67,500.00
Erosion Control	2.2	AC	\$4,500.00	\$9,917.36
Cleanup & Testing	3,200	LF	\$1.50	\$4,800.00
Total Construction Cost				\$400,592.36
Construction Contingency				\$40,059.00
Administrative Cost (Design, Inspection, Contract Administration,				\$60,088.85
Total Project Cost				\$500,740.21

10-inch US Hwy 1 Outfall				
Description	Quantity		Unit Price	Extended Price
10" PVC Sanitary Sewer	2,750	LF	\$75.00	\$206,250.00
10" DI Sanitary Sewer	750	LF	\$115.00	\$86,250.00
4' Dia. Manhole	12	EA	\$3,500.00	\$42,000.00
20" Casing Installed by Bore & Jack	100	LF	\$425.00	\$42,500.00
Asphalt Open Cut & Patch	2,250	SY	\$75.00	\$168,750.00
Erosion Control	2.4	AC	\$4,500.00	\$10,847.11
Cleanup & Testing	3,500	LF	\$1.50	\$5,250.00
Total Construction Cost				\$561,847.11
Construction Contingency				\$56,185.00
Administrative Cost (Design, Inspection, Contract Administration,				\$84,277.07
Total Project Cost				\$702,309.17

Southeast Industrial Park Sewer				
Description	Quantity		Unit Price	Extended Price
8" PVC Sanitary Sewer	11,500	LF	\$65.00	\$747,500.00
8" DI Sanitary Sewer	1,500	LF	\$95.00	\$142,500.00
4' Dia. Manhole	44	EA	\$3,500.00	\$154,000.00
8" PVC Forcemain	5,250	LF	\$45.00	\$236,250.00
8" DI Forcemain	250	LF	\$60.00	\$15,000.00
16" Casing Installed by Bore & Jack	150	LF	\$275.00	\$41,250.00
Clearing & Grubbing	10	AC	\$8,000.00	\$80,000.00
Erosion Control	12.7	AC	\$4,500.00	\$57,334.71
Cleanup & Testing	18,500	LF	\$1.00	\$18,500.00
Pump Station	1	LS	\$450,000.00	\$450,000.00
Total Construction Cost				\$1,942,334.71
Construction Contingency				\$194,233.00
Administrative Cost (Design, Inspection, Contract Administration,				\$291,350.21
Total Project Cost				\$2,427,917.92

Sanitary Sewer Outfall Replacement Estimates (Cont.)

Hwy 5 Industrial Park Sewer				
Description	Quantity		Unit Price	Extended Price
8" PVC Forcemain	5,250	LF	\$45.00	\$236,250.00
8" DI Forcemain	250	LF	\$60.00	\$15,000.00
16" Casing Installed by Bore & Jack	100	LF	\$275.00	\$27,500.00
Erosion Control	3.8	AC	\$4,500.00	\$17,045.45
Cleanup & Testing	5,500	LF	\$1.00	\$5,500.00
Pump Station	1	LS	\$275,000.00	\$275,000.00
Total Construction Cost				\$576,295.45
Construction Contingency				\$57,630.00
Administrative Cost (Design, Inspection, Contract Administration,				\$86,444.32
Total Project Cost				\$720,369.77

Southwest Interceptor Phase 1				
Description	Quantity		Unit Price	Extended Price
15" PVC Sanitary Sewer	5,300	LF	\$105.00	\$556,500.00
16" DI Sanitary Sewer	300	LF	\$175.00	\$52,500.00
4' Dia. Manhole	29	EA	\$3,500.00	\$101,500.00
30" Casing Installed by Bore & Jack	110	LF	\$475.00	\$52,250.00
Clearing & Grubbing	2	AC	\$8,000.00	\$16,000.00
Asphalt Open Cut & Patch	440	SY	\$75.00	\$33,000.00
Erosion Control	3.9	AC	\$4,500.00	\$17,355.37
Cleanup & Testing	5,600	lf	\$1.50	\$8,400.00
Total Construction Cost				\$837,505.37
Construction Contingency				\$83,751.00
Administrative Cost (Design, Inspection, Contract Administration,				\$125,625.81
Total Project Cost				\$1,046,882.18

Southwest Interceptor Phase 2 Cost Estimate

Description	Quantity		Unit Price	Extended Price
15" PVC Sanitary Sewer	7,000	LF	\$105.00	\$735,000.00
16" DI Sanitary Sewer	350	LF	\$175.00	\$61,250.00
4' Dia. Manhole	25	EA	\$3,500.00	\$87,500.00
Clearing & Grubbing	6	AC	\$8,000.00	\$48,000.00
Erosion Control	5.1	AC	\$4,500.00	\$22,778.93
Cleanup & Testing	7,350	lf	\$1.50	\$11,025.00
Total Construction Cost				\$965,553.93
Construction Contingency				\$96,555.00
Administrative Cost (Design, Inspection, Contract Administration, Permitting, Legal, etc.)				\$144,833.09
Total Project Cost				\$1,206,942.01
% Eligible for SDF				49.71%
Eligible Value for SDF				\$600,000.00

APPENDIX C: HOUSE BILL 436

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

HOUSE BILL 436
RATIFIED BILL

AN ACT TO PROVIDE FOR UNIFORM AUTHORITY TO IMPLEMENT SYSTEM DEVELOPMENT FEES FOR PUBLIC WATER AND SEWER SYSTEMS IN NORTH CAROLINA AND TO CLARIFY THE APPLICABLE STATUTE OF LIMITATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 162A of the General Statutes is amended by adding a new Article to read:

"Article 8.

"System Development Fees.

"§ 162A-200. Short title.

This Article shall be known and may be cited as the "Public Water and Sewer System Development Fee Act."

"§ 162A-201. Definitions.

The following definitions apply in this Article:

- (1) Capital improvement. – A planned facility or expansion of capacity of an existing facility other than a capital rehabilitation project necessitated by and attributable to new development.
- (2) Capital rehabilitation project. – Any repair, maintenance, modernization, upgrade, update, replacement, or correction of deficiencies of a facility, including any expansion or other undertaking to increase the preexisting level of service for existing development.
- (3) Existing development. – Land subdivisions, structures, and land uses in existence at the start of the written analysis process required by G.S. 162A-205, no more than one year prior to the adoption of a system development fee.
- (4) Facility. – A water supply, treatment, storage, or distribution facility, or a wastewater collection, treatment, or disposal facility, including for reuse or reclamation of water, owned or operated, or to be owned or operated, by a local governmental unit and land associated with such facility.
- (5) Local governmental unit. – Any political subdivision of the State that owns or operates a facility, including those owned or operated pursuant to local act of the General Assembly or pursuant to Part 2 of Article 2 of Chapter 130A, Article 15 of Chapter 153A, Article 16 of Chapter 160A, or Articles 1, 4, 5, 5A, or 6 of Chapter 162A of the General Statutes.
- (6) New development. – Any of the following occurring after the date a local government begins the written analysis process required by G.S. 162A-205, no more than one year prior to the adoption of a system development fee, which increases the capacity necessary to serve that development:
 - a. The subdivision of land.



- b. The construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure which increases the number of service units.
 - c. Any use or extension of the use of land which increases the number of service units.
- (7) Service. – Water or sewer service, or water and sewer service, provided by a local governmental unit.
- (8) Service unit. – A unit of measure, typically an equivalent residential unit, calculated in accordance with generally accepted engineering or planning standards.
- (9) System development fee. – A charge or assessment for service imposed with respect to new development to fund costs of capital improvements necessitated by and attributable to such new development, to recoup costs of existing facilities which serve such new development, or a combination of those costs, as provided in this Article. The term includes amortized charges, lump-sum charges, and any other fee that functions as described by this definition regardless of terminology. The term does not include any of the following:
- a. A charge or fee to pay the administrative, plan review, or inspection costs associated with permits required for development.
 - b. Tap or hookup charges for the purpose of reimbursing the local governmental unit for the actual cost of connecting the service unit to the system.
 - c. Availability charges.
 - d. Dedication of capital improvements on-site, adjacent, or ancillary to a development absent a written agreement providing for credit or reimbursement to the developer pursuant to G.S. 153A-280, 153A-451, 160A-320, 160A-499 or Part 3A of Article 18, Chapter 153A or Part 3D of Article 19, Chapter 160A of the General Statutes.
 - e. Reimbursement to the local governmental unit for its expenses in constructing or providing for water or sewer utility capital improvements adjacent or ancillary to the development if the owner or developer has agreed to be financially responsible for such expenses; however, such reimbursement shall be credited to any system development fee charged as set forth in G.S. 162A-207(c).
- (10) System development fee analysis. – An analysis meeting the requirements of G.S. 162A-205.

"§ 162A-202. Reserved.

"§ 162A-203. Authorization of system development fee.

(a) A local governmental unit may adopt a system development fee for water or sewer service only in accordance with the conditions and limitations of this Article.

(b) A system development fee adopted by a local governmental unit under any lawful authority other than this Article and in effect on October 1, 2017, shall be conformed to the requirements of this Article not later than July 1, 2018.

"§ 162A-204. Reserved.

"§ 162A-205. Supporting analysis.

A system development fee shall be calculated based on a written analysis, which may constitute or be included in a capital improvements plan, that:

- (1) Is prepared by a financial professional or a licensed professional engineer qualified by experience and training or education to employ generally accepted accounting, engineering, and planning methodologies to calculate system development fees for public water and sewer systems.
- (2) Documents in reasonable detail the facts and data used in the analysis and their sufficiency and reliability.
- (3) Employs generally accepted accounting, engineering, and planning methodologies, including the buy-in, incremental cost or marginal cost, and combined cost methods for each service, setting forth appropriate analysis as to the consideration and selection of a method appropriate to the circumstances and adapted as necessary to satisfy all requirements of this Article.
- (4) Documents and demonstrates the reliable application of the methodologies to the facts and data, including all reasoning, analysis, and interim calculations underlying each identifiable component of the system development fee and the aggregate thereof.
- (5) Identifies all assumptions and limiting conditions affecting the analysis and demonstrates that they do not materially undermine the reliability of conclusions reached.
- (6) Calculates a final system development fee per service unit of new development and includes an equivalency or conversion table for use in determining the fees applicable for various categories of demand.
- (7) Covers a planning horizon of not less than 10 years nor more than 20 years.
- (8) Is adopted by resolution or ordinance of the local governmental unit in accordance with G.S. 162A-209.

"§ 162A-206. Reserved.

"§ 162A-207. Minimum requirements.

(a) Maximum. – A system development fee shall not exceed that calculated based on the system development fee analysis.

(b) Revenue Credit. – In applying the incremental cost or marginal cost, or the combined cost, method to calculate a system development fee with respect to water or sewer capital improvements, the system development fee analysis must include as part of that methodology a credit against the projected aggregate cost of water or sewer capital improvements. That credit shall be determined based upon generally accepted calculations and shall reflect a deduction of either the outstanding debt principal or the present value of projected water and sewer revenues received by the local governmental unit for the capital improvements necessitated by and attributable to such new development, anticipated over the course of the planning horizon. In no case shall the credit be less than twenty-five percent (25%) of the aggregate cost of capital improvements.

(c) Construction or Contributions Credit. – In calculating the system development fee with respect to new development, the local governmental unit shall credit the value of costs in excess of the development's proportionate share of connecting facilities required to be oversized for use of others outside of the development. No credit shall be applied, however, for water or sewer capital improvements on-site or to connect new development to water or sewer facilities.

"§ 162A-208. Reserved.

"§ 162A-209. Adoption and periodic review.

(a) For not less than 45 days prior to considering the adoption of a system development fee analysis, the local governmental unit shall post the analysis on its Web site and solicit and furnish a means to submit written comments, which shall be considered by the preparer of the analysis for possible modifications or revisions.

(b) After expiration of the period for posting, the governing body of the local governmental unit shall conduct a public hearing prior to considering adoption of the analysis with any modifications or revisions.

(c) The local governmental unit shall publish the system development fee in its annual budget or rate plan or ordinance. The local governmental unit shall update the system development fee analysis at least every five years.

"§ 162A-210. Reserved.

"§ 162A-211. Use and administration of revenue.

(a) Revenue from system development fees calculated using the incremental cost method or marginal cost method, exclusively or as part of the combined cost method, shall be expended only to pay:

(1) Costs of constructing capital improvements including, and limited to, any of the following:

a. Construction contract prices.

b. Surveying and engineering fees.

c. Land acquisition cost.

d. Principal and interest on bonds, notes, or other obligations issued by or on behalf of the local governmental unit to finance any costs for an item listed in sub-subdivisions a. through c. of this subdivision.

(2) Professional fees incurred by the local governmental unit for preparation of the system development fee analysis.

(3) If no capital improvements are planned for construction within five years or the foregoing costs are otherwise paid or provided for, then principal and interest on bonds, notes, or other obligations issued by or on behalf of a local governmental unit to finance the construction or acquisition of existing capital improvements.

(b) Revenue from system development fees calculated using the buy-in method may be expended for previously completed capital improvements for which capacity exists and for capital rehabilitation projects. The basis for the buy-in calculation for previously completed capital improvements shall be determined by using a generally accepted method of valuing the actual or replacement costs of the capital improvement for which the buy-in fee is being collected less depreciation, debt credits, grants, and other generally accepted valuation adjustments.

(c) A local governmental unit may pledge a system development fee as security for the payment of debt service on a bond, note, or other obligation subject to compliance with the foregoing limitations.

(d) System development fee revenues shall be accounted for by means of a capital reserve fund established pursuant to Part 2 of Article 3 of Chapter 159 of the General Statutes and limited as to expenditure of funds in accordance with this section.

"§ 162A-212. Reserved.

"§ 162A-213. Time for collection of system development fees.

For new development involving the subdivision of land, the system development fee shall be collected by a local governmental unit either at the time of plat recordation or when water or sewer service for the subdivision or other development is committed by the local governmental unit. For all other new development, the local governmental unit shall collect the system development fee at the time of application for connection of the individual unit of development to the service or facilities.

"§ 162A-214. Reserved.

"§ 162A-215. Narrow construction.

Notwithstanding G.S. 153A-4 and G.S. 160A-4, in any judicial action interpreting this Article, all powers conferred by this Article shall be narrowly construed to ensure that system development fees do not unduly burden new development."

SECTION 2. G.S. 130A-64 reads as rewritten:

"§ 130A-64. Service charges and rates.

(a) A sanitary district board shall apply service charges and rates based upon the exact benefits derived. These service charges and rates shall be sufficient to provide funds for the maintenance, adequate depreciation and operation of the work of the district. If reasonable, the service charges and rates may include an amount sufficient to pay the principal and interest maturing on the outstanding bonds and, to the extent not otherwise provided for, bond anticipation notes of the district. Any surplus from operating revenues shall be set aside as a separate fund to be applied to the payment of interest on or to the retirement of bonds or bond anticipation notes. The sanitary district board may modify and adjust these service charges and rates.

(b) The district board may require system development fees only in accordance with Article 8 of Chapter 162A of the General Statutes."

SECTION 3. G.S. 153A-277 reads as rewritten:

"§ 153A-277. Authority to fix and enforce rates.

(a) A county may establish and revise from time to time schedules of rents, rates, fees, charges, and penalties for the use of or the services furnished or to be furnished by a public enterprise. Schedules of rents, rates, fees, charges, and penalties may vary for the same class of service in different areas of the county and may vary according to classes of service, and different schedules may be adopted for services provided outside of the county. A county may include a fee relating to subsurface discharge wastewater management systems and services on the property tax bill for the real property where the system for which the fee is imposed is located.

...

(a2) A county may require system development fees only in accordance with Article 8 of Chapter 162A of the General Statutes.

...."

SECTION 4.(a) G.S. 160A-314 reads as rewritten:

"§ 160A-314. Authority to fix and enforce rates.

(a) A city may establish and revise from time to time schedules of rents, rates, fees, charges, and penalties for the use of or the services furnished or to be furnished by any public enterprise. Schedules of rents, rates, fees, charges, and penalties may vary according to classes of service, and different schedules may be adopted for services provided outside the corporate limits of the city.

...

(e) A city may require system development fees only in accordance with Article 8 of Chapter 162A of the General Statutes."

SECTION 4.(b) G.S. 160A-317 is amended by adding a new subsection to read:

"(a4) System Development Fees. – A city may require system development fees only in accordance with Article 8 of Chapter 162A of the General Statutes."

SECTION 5.(a) G.S. 162A-6(a) is amended by adding a new subdivision to read:

"(9a) To impose and require system development fees only in accordance with Article 8 of this Chapter."

SECTION 5.(b) G.S. 162A-9 is amended by adding a new subsection to read:

"(a5) An authority may require system development fees only in accordance with Article 8 of this Chapter."

SECTION 6.(a) G.S. 162A-36(a) is amended by adding a new subdivision to read:

"(8a) To impose and require system development fees only in accordance with Article 8 of this Chapter."

SECTION 6.(b) G.S. 162A-49 reads as rewritten:

"§ 162A-49. Rates and charges for services.

(a) The district board may fix, and may revise from time to time, rents, rates, fees and other charges for the use of land for the services furnished or to be furnished by any water system or sewerage system or both. Such rents, rates, fees and charges shall not be subject to supervision or regulation by any bureau, board, commission, or other agency of the State or of any political subdivision. Any such rents, rates, fees and charges pledged to the payment of revenue bonds of the district shall be fixed and revised so that the revenues of the water system or sewerage system or both, together with any other available funds, shall be sufficient at all times to pay the cost of maintaining, repairing and operating the water system or the sewerage system or both, the revenues of which are pledged to the payment of such revenue bonds, including reserves for such purposes, and to pay the interest on and the principal of such revenue bonds as the same shall become due and payable and to provide reserves therefor. If any such rents, rates, fees and charges are pledged to the payment of any general obligation bonds issued under this Article, such rents, rates, fees and charges shall be fixed and revised so as to comply with the requirements of such pledge. The district board may provide methods for collection of such rents, rates, fees and charges and measures for enforcement of collection thereof, including penalties and the denial or discontinuance of service.

(b) The district board may require system development fees only in accordance with Article 8 of this Chapter."

SECTION 7.(a) G.S. 162A-69 is amended by adding a new subdivision to read:

"(8a) To impose and require system development fees only in accordance with Article 8 of this Chapter."

SECTION 7.(b) G.S. 162A-72 reads as rewritten:

"§ 162A-72. Rates and charges for services.

(a) The district board may fix, and may revise from time to time, rents, rates, fees and other charges for the use of and for the services furnished or to be furnished by any sewerage system. Such rents, rates, fees and charges shall not be subject to supervision or regulation by any bureau, board, commission, or other agency of the State or of any political subdivision. Any such rents, rates, fees and charges pledged to the payment of revenue bonds of the district shall be fixed and revised so that the revenues of the sewerage system, together with any other available funds, shall be sufficient at all times to pay the cost of maintaining, repairing and operating the sewerage system the revenues of which are pledged to the payment of such revenue bonds, including reserves for such purposes, and to pay the interest on and the principal of such revenue bonds as the same shall become due and payable and to provide reserves therefor. If any such rents, rates, fees and charges are pledged to the payment of any general obligation bonds issued under this Article, such rents, rates, fees and charges shall be fixed and revised so as to comply with the requirements of such pledge. The district board may provide methods for collection of such rents, rates, fees and charges and measures for enforcement of collection thereof, including penalties and the denial or discontinuance of service.

(b) The district board may require system development fees only in accordance with Article 8 of this Chapter."

SECTION 8. G.S. 162A-85.13 is amended by adding a new subsection to read:

"(a1) The district board may require system development fees only in accordance with Article 8 of this Chapter."

SECTION 9. G.S. 162A-88 reads as rewritten:

"§ 162A-88. District is a municipal corporation.

(a) The inhabitants of a county water and sewer district created pursuant to this Article are a body corporate and politic by the name specified by the board of commissioners. Under that name they are vested with all the property and rights of property belonging to the corporation; have perpetual succession; may sue and be sued; may contract and be contracted with; may acquire and hold any property, real and personal, devised, sold, or in any manner conveyed, dedicated to, or otherwise acquired by them, and from time to time may hold, invest, sell, or dispose of the same; may have a common seal and alter and renew it at will; may establish, revise and collect rates, fees or other charges and penalties for the use of or the services furnished or to be furnished by any sanitary sewer system, water system or sanitary sewer and water system of the district; and may exercise those powers conferred on them by this Article.

(b) The district board may require system development fees only in accordance with Article 8 of this Chapter."

SECTION 10.(a) G.S. 1-52(15) reads as rewritten:

"(15) For the recovery of taxes paid as provided in ~~G.S. 105-381~~G.S. 105-381 or for the recovery of an unlawful fee, charge, or exaction collected by a county, municipality, or other unit of local government for water or sewer service or water and sewer service."

SECTION 10.(b) This section is to clarify and not alter G.S. 1-52.

SECTION 11. Sections 1 through 9 of this act become effective October 1, 2017, and apply to system development fees imposed on or after that date. Section 10 of this act, being a clarifying amendment, has retroactive effect and applies to claims accrued or pending prior to and after the date that section becomes law. Nothing in this act provides retroactive authority for any system development fee, or any similar fee for water or sewer services to be furnished, collected by a local governmental unit prior to October 1, 2017. The remainder of this act is effective when it becomes law and applies to claims accrued or pending prior to and after that date.

In the General Assembly read three times and ratified this the 29th day of June, 2017.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2017