

TRIUNFO SANITATION DISTRICT

ORDINANCE NO. TSD-150 (Adopted 11/26/18) PRESCRIBING MISCELLANEOUS FEES AND CHARGES

WHEREAS, the Triunfo Sanitation District ("District") is duly organized and established under the laws of the State of California; and

WHEREAS, Health and Safety Code Section 5471 and Government Code Section 66013 authorize the District to prescribe, revise and collect certain fees, tolls, rates, rentals, or other charges for services and facilities furnished by it in connection with its water, sanitation, or sewerage system; and

WHEREAS, to the extent authorized by Health and Safety Code Section 5471 and Government Code Section 66013, the District desires to impose certain miscellaneous fees and charges for specific services or products it may provide to an individual customer ("Miscellaneous Fees and Charges"); and

WHEREAS, the District has determined the reasonable costs of specific services or products it may provide to an individual customer; and

WHEREAS, the revenues derived from the Miscellaneous Fees and Charges will not be used by the District for any purpose other than to defray the costs of providing the services and products provided to an individual customer; and

WHEREAS, Health and Safety Code Section 5473.10 authorizes the District to provide for a basic penalty of not more than ten percent (10%) for nonpayment of charges within the time and in the manner prescribed by it, and to provide for a penalty of not exceeding one and one-half percent (1½%) per month for nonpayment of the charges and basic penalty; and

WHEREAS, to the extent authorized by Health and Safety Code Section 5473.10, the District desires to impose certain penalties for nonpayment of District charges within the time and in the manner prescribed; and

WHEREAS, information regarding the proposed Miscellaneous Fees and Charges was available for public inspection and review ten (10) days prior to a public hearing, and notice of the public hearing was given in compliance with Government Code Section 66016; and

WHEREAS, a public hearing, noticed pursuant to and in compliance with Government Code Sections 66018 and 6062a was held at a scheduled meeting of the Board of Directors; and

WHEREAS, after considering the information, hearing a staff presentation, considering the testimony received at the public hearing and discussion of the issues, the Board of Directors concludes that the Miscellaneous Fees and Charges do not exceed the reasonable costs of providing those services or products to an individual customer; and

WHEREAS, the District finds that the Miscellaneous Fees and Charges established by this Ordinance are neither an incident of property ownership nor a property-related service having a direct relationship to property ownership and; therefore, not subject to the requirements of California Constitution Article XIID; and

WHEREAS, the District finds that, pursuant to California Constitution Article XIII C, Sections 1(e)(2) and 1(e)(5), the Miscellaneous Fees and Charges established by this Ordinance are not taxes subject to the requirements of California Constitution Article XIII C, Section 2; and

WHEREAS, The District finds that the purpose of the Miscellaneous Fees and Charges established by this Ordinance is to meet the District's operating expenses, including, without limitation, purchasing or leasing supplies, equipment and materials, and, therefore, the adoption of this Ordinance is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15273(a);

NOW, THEREFORE, the Board hereby ordains as follows:

SECTION 1. SHORT TITLE

This Ordinance shall be known as the TSD Miscellaneous Fee and Charge Ordinance.

SECTION 2. DEFINITIONS

The following words as used in this Ordinance shall have the meanings set forth below unless otherwise apparent in the context in which they are used:

- a. "Board of Directors" or "Board" means the TSD Board of Directors.
- b. "Customer" means any person, association, corporation, governmental agency, firm, or company of record receiving service from the District.
- c. "District" or "TSD" means the Triunfo Sanitation District.

SECTION 3. MISCELLANEOUS FEES AND CHARGES

The following miscellaneous fees and charges are hereby prescribed:

Item	Fee
Archive retrieval or research	Actual cost (time & material + copies)
Laserwriter copy (computer copy)	\$0.10
Letter size photocopy – each of first 3 pages	\$0.50
Letter size photocopy – each additional page	\$0.10
Irregular size photocopy page	\$0.50
Credit Card Convenience Fee	\$ (current applicable fee)
Engineering Drawings (2'x3') Blue Line	\$1.50
Engineering Drawings (2'x3') Sepia Mylar	\$18.00
Engineering Drawings (2'x3') Xerographic	\$6.00
Late Payment Penalty	Each charge that becomes past due will incur a 10% penalty plus 1.5% of outstanding balance (including penalties) each additional month until paid
Postage to mail requested materials	Actual cost
Consultant Reports	Actual Cost
District Reports	\$0.10/page plus labor
Budget Reports	\$15.00
Comprehensive Annual Financial Report	\$25.00
Check returned (without prior notice)	\$25.00

SECTION 4. FINDINGS

The District's Board of Directors finds the foregoing fees and charges are for the purpose of: (1) meeting operating expenses, including but not limited to the District's operations, maintenance and management contract; (2) purchasing or leasing supplies, equipment and materials; (3) meeting financial reserve needs and requirements; (4) obtaining funds for constructing and maintaining water facilities necessary to maintain service within existing service areas; (5) improvements and repairs; and (6) debt service and refunds.

The TSD Board of Directors further finds that the foregoing fees and charges: (1) do not exceed the funds required to provide the service; (2) are not used for any purpose other than that for which they are imposed; (3) as imposed upon any parcel or person as an incident of property ownership, do not exceed the proportional cost of the service attributable to the parcel; and, (4) are imposed only for service that is actually used by, or immediately available to, the owner of the property in question.

SECTION 5. FEE REVIEW PERIOD

On or about January 1 of each year, the District's General Manager is hereby empowered and shall review the estimated cost of providing the services described and the impact of any pending or anticipated changes in the service level. The General Manager shall report these findings to the Board of Directors at a duly noticed public hearing and recommend any adjustment to the fees and charges or other action that may be required.

SECTION 6. SEVERABILITY

If any section, subsection, sentence, clause or phrase in this ordinance or the application thereof to any person or circumstance is for any reason held invalid, the validity of the remainder of the ordinance or the application of such provision to other persons or circumstances shall be adopted thereby. The Board of Directors hereby declares it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application thereof to any person or circumstance be held invalid.

SECTION 7. REPEAL OF PRIOR INCONSISTENT ORDINANCES

Any prior ordinances or portions of ordinances previously adopted by the District Board of Directors that are in conflict with this Ordinance, are repealed as of the Effective Date of this Ordinance. This includes TSD-74.

SECTION 8. EFFECTIVE DATE

This Ordinance shall become effective January 1, 2019.


PASSED, APPROVED AND ADOPTED this 26th day of November 2018 by the following vote:

AYES: J. Orkney, S. Pan, L. Shapiro, R. Tjulander & J. Wall

NOES: None

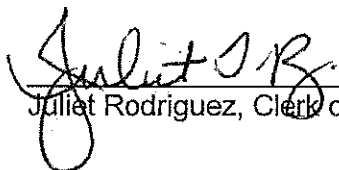
ABSENT: None

TRIUNFO SANITATION DISTRICT



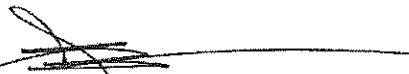
Janna Orkney, Chair

ATTESTED:



Juliet Rodriguez, Clerk of the Board

APPROVED AS TO FORM:



John Mathews, General Counsel