

## TRIUNFO SANITATION DISTRICT

### ORDINANCE NO. TSD-201 (Adopted 11/26/18) ESTABLISHING POLICIES AND PROCEDURES FOR BELL CANYON SEWER EXTENSION

**WHEREAS**, there are approximately 166 lots located in three separate areas of Bell Canyon that are not accessible to existing Triunfo Sanitation District ("District") sewer lines, and were not included in Assessment District No. 85-1. Nearly half of the lots have homes on them. The sewer was built during the early 1970's and areas difficult to reach with a traditional gravity sewer were not served. The technology of wastewater collection has since improved.

**WHEREAS**, extreme slopes and abundant rock in the area made sewer pipe construction difficult and expensive, and also make individual septic tank wastewater treatment less effective. Many homeowners and the County of Ventura have requested public sewer service in these areas.

**WHEREAS**, homeowners in the area are now showing interest in sewerage the north end of Dapplegray, Appaloosa, Concho, and Wrangler Roads. The area contains 10 vacant lots and 30 homes on septic tanks.

**WHEREAS**, it is appropriate for the Board of Directors to establish policy regarding currently proposed and future Bell Canyon sewer line extensions.

**NOW, THEREFORE**, the Board hereby ordains as follows:

#### SECTION 1. GENERAL PROVISIONS

- A. Lot owners, hereinafter referred to as "Connectors", volunteer to fund extension of the sewer. Each extension is funded equally by the Connectors involved, regardless of the length of extension to their lot, except that Connectors of multiple lots shall participate in proportion to the number of lots owned.
- B. The District will offer to facilitate private loan financing for Connectors.
- C. Connectors shall have the extension designed and built per the District Rules and Regulations for the Design and Construction of Sewage Collection Systems OR have the District design, construct, and inspect the extension. In either event, all plans and specifications shall be approved by the District prior to the start of construction.
- D. For District design and construction – Design will start when all involved Connectors pay the then-current treatment plant connection fee. Advertising for construction will start after Connectors have paid the District the estimated project cost plus 25% for contingencies. Within three months of construction completion, the District will rebate or collect more from Connectors as necessary to match the final project cost.
- E. Connectors own and maintain their own individual grinder pumps and the connecting lateral up to and including the manual shut-off valve located adjacent to the District main line. The District shall have no responsibility for grinder pumps, laterals or manual shut-off valves. The District shall at all times, however, maintain the right to access and use the manual shut-off valve as it relates to flow into the District's sewer line. No connection to the District's sewer line may be made and/or used without the District's written approval and payment of all associated fees and charges.

## **SECTION 2. EXTENSION CHARGES**

- A. Every owner who connects his/her lot to the extended Bell Canyon sewer pays the District a Sewer Extension Fee for the extension plus the then-current sewer connection fee for wastewater treatment facilities. The owner is also responsible for procuring his or her own grinder pump and on-lot piping.
- B. The District reimburses the then-current owners of lots that have participated in extension construction. Connectors who have or participate in a main line extension costing \$12,500 or more are "Participants."
- C. The District will establish a Reimbursement Limit (based on the estimated cost of extending the sewers to all of Bell Canyon) and Sewer Extension Fee (twice the Reimbursement Limit). Participants will be reimbursed from collected Sewer Extension Fees, if any, in June each year. Any reimbursement will be made according to the following priorities in the order shown:
  - 1. Reduce the remaining contribution of those Participants with the greatest remaining contribution.
  - 2. Reduce the remaining contribution of all Participants to the Reimbursement Limit.
  - 3. Reduce the remaining contribution of all Connectors to the Reimbursement Limit.

Where contributions are equal, reimbursement shall be made in the same order as investments, with the first connector receiving the first reimbursement. The total of all reimbursements shall not exceed the amount of Sewer Extension Fees collected in Bell Canyon. No guarantee of reimbursement is intended.

- D. The Reimbursement Limit and Sewer Extension Fee, initially \$6,000 and \$12,000 respectively, shall hereafter be set by resolution. The Board may revise the Reimbursement Limit and Sewer Extension Fee for future extensions each time an extension in excess of 1,500 feet is completed OR every three years OR every ten extensions, whichever comes first. The revision will reflect the then current expected cost of extending sewers to all of Bell Canyon. The Reimbursement Limit may be reduced, but will not be increase for participants whose projects are completed before the Limit is adjusted.
- E. If and when the sewer has been extended to all the lots in Bell Canyon and all Participants' investments have dropped to the reimbursement limit, the District will commence reimbursing the Connectors. The District will reimburse Connectors chronologically based on the date they paid their extension fee. Each Connector will be reimbursed to the reimbursement limit or funds available from extension fees before the next Connector is reimbursed. The extension fee for the last Connector will equal the then-current Reimbursement Limit. See Exhibit A for examples.

## **SECTION 3. 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 4. 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-44.

**SECTION 5. EFFECTIVE DATE**

This Ordinance shall become effective January 1, 2019.

**PASSED, APPROVED AND ADOPTED** this 26<sup>th</sup> day of November 2018 by the following vote:

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

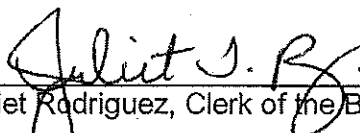
NOES: None

ABSENT: None


**TRIUNFO SANITATION DISTRICT**

  
\_\_\_\_\_  
Janna Orkney, Chair

**ATTESTED:**

  
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Juliet Rodriguez, Clerk of the Board

**APPROVED AS TO FORM:**

  
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John Mathews, General Counsel

## EXHIBIT A – EXAMPLES

As of October 1999, there are three “corners” of Bell Canyon not served by gravity sewers. They are Dapplegray/Appaloosa (potentially 52 lots), Western Bell Canyon (potentially 36 lots) and Saddlebow (potentially 78 lots). With the current estimated project cost to serve all 166 lots at \$960,000, the Reimbursement Limit should initially be set at \$6,000.

Projects completed or actively requested as of October 1999:

Area	Potential	Participating	Project Cost	Per Participant
Dapplegray/Appaloosa 1 (DA1)	10	4	\$50,000	\$12,500
Dapplegray/Appaloosa 2 (DA2)	42	8	\$240,000	\$30,000
Western Bell Canyon 1 (W1)	2	1	\$18,850	\$18,850

### Sample Reimbursement Calculation June 2001:

Assumptions: DA2 is built in FY 2000 with 8 participants (\$30,000 each)  
 2 lots connect to DA1 and 2 lots connect to DA2 in FY 2001  
 Sewer Extension Fee for 4 connections at \$12,000 each = \$48,000 available

Because they have the greatest investment, the District reimburses the DA2 Participants \$6,000 each (\$48,000/8) in June 2001, bringing their remaining contribution down to \$24,000 each (\$30,000-\$6,000).

### Sample Reimbursement Calculation June 2005:

Assumptions: DA2 is built in FY 2000 with 8 Participants (\$30,000 each)  
 W1 is built in FY 2001 by a single Participant (\$18,850)  
 9 lots previously connected to DA2 reduced DA2/W1 contributions to \$16,761 each\*  
 1 lot connects to Western Bell Canyon in FY 2005  
 Sewer Extension Fee for 1 connection at \$12,000 = \$12,000 available

Because they still have the greatest investment, the District reimburses the DA2/W1 Participants \$1,333 each (\$12,000/9) in June 2005, bringing their remaining contribution down to \$15,428 each (\$16,761-\$1,333).

### Sample Reimbursement Calculation June 2009:

Assumptions: All extensions built for \$1,328,000 (Reimbursement Limit \$1,328,000/166 = \$8,000)  
 All PARTICIPANTS have been paid down to the Reimbursement Limit  
 4 lots connect in FY 2009  
 Sewer Extension Fee for 4 connections at current \$16,000 fee = \$64,000 available

The first 10 Connectors paid \$12,000 each. They are reimbursed the \$4,000 difference from the current \$8,000 Reimbursement Limit, totaling \$40,000 (\$64,000 - \$40,000 = \$24,000 available). The next 10 Connectors paid \$13,000 each, \$5,000 more than the current \$8,000 Reimbursement Limit. At \$5,000 each, 4 are reimbursed down to the Reimbursement Limit (total \$20,000) and the next earliest Connector is reimbursed the remaining \$4,000. Because he/she still has \$1,000 outstanding, this Connector will be the first reimbursed in the following year.