

TRIUNFO SANITATION DISTRICT

ORDINANCE NO. TSD-250 (Adopted 11/26/18) PRESCRIBING FEES AND CHARGES FOR SEWER SERVICE OWNED AND OPERATED BY TRIUNFO SANITATION DISTRICT

WHEREAS, the Triunfo Sanitation District ("District") is duly organized and established under the laws of the State of California, and as such is empowered to impose fees and charges relative to the District's provision of services to its service area; and

WHEREAS, the District provides wastewater service to its customers within the District's service area and charges these customers appropriate service fees designed to cover capital and operating and maintenance expenses associated with the provision of the services; and

WHEREAS, the District has estimated the costs of providing wastewater service to its customers based on financial information for the current year and the entire operating history of the enterprise; and

WHEREAS, this Ordinance No. TSD-250 ("Ordinance") prescribes fees and charges pertaining to the provision of wastewater service to the District's customers within the service area; and

WHEREAS, in adopting this Ordinance, the District has complied with all applicable requirements set forth in Article XIII D of the California Constitution (enacted by Proposition 218, November 5, 1996 Statewide election); and

WHEREAS, on November 12, 2018, notice was published in the Ventura County Star, a newspaper of general circulation published and circulated in the District, providing a summary of this Ordinance and noticing a November 26, 2018, public hearing to consider adoption of this Ordinance; and

WHEREAS, all persons present at said hearing and interested in the matter were heard and given the opportunity to be heard on the enactment of the proposed fees and charges prescribed in this Ordinance; and

WHEREAS, after considering the financial information, hearing a staff presentation, considering the testimony received at the public hearing and discussion of the issues, the District's Board of Directors concludes that the proposed fees and charges prescribed in this Ordinance are necessary for the District's provision of services and do not exceed the cost of those services; and

WHEREAS, the adoption of this Ordinance is statutorily exempt under the California Environmental Quality Act pursuant to the provisions of Public Resources Code Section 21080(b)(8) and California Code of regulations Section 15273(a).

NOW, THEREFORE, the Board hereby ordains as follows:

SECTION 1. SHORT TITLE

This Ordinance shall be known as the TSD Sewer Service 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. "Apartment" means a suite or set of rooms outfitted with housekeeping facilities and intended for occupancy as a dwelling unit.
- b. "Board of Directors" or "Board" means the TSD Board of Directors.
- c. "Commercial" means a site or building used for the exchange or buying and selling of material goods or services and shall also mean a hotel or motel.
- d. "District" or "TSD" means the Triunfo Sanitation District.
- e. "Equivalent Residential Unit" means a unit of measurement for the quantity and quality of sewage which is equivalent to domestic sewage originating in a single residential unit. One ERU is less than or equal to an average of 250 gallons per day per year of domestic sewage discharge. One ERU is also equal to 25 fixture units or less based on the number of fixture units as assigned to various plumbing fixtures in the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO). Should a conflict arise between the flow and fixture unit definitions, the most restrictive definition shall apply.
- f. "Industrial" means any site, structure, building or works which is, or which is designed to be, used for the manufacture, processing, or distribution of materials, equipment, supplies, food or commodities of any description; or which is used or designed to be used as a sanitarium, hospital, penal institution, or charitable institution; together with all appurtenances thereto and the surrounding premises under the same ownership or control.
- g. "Institutional" means any educational institution supported by state or local taxes.
- h. "Mobile Dwelling Unit" means a dwelling unit intended to be moved from site to site on wheels that are part of the unit and having dimensions longer than forty (40) feet and wider than eight and one-half (8.5) feet.
- i. "Multiple Residential" means a sewer to serve more than one single family residence.
- j. "Rules & Regulations" or "Rules and Regulations for the Sewage Collection System" means specific rules and/or regulations adopted by a Resolution of the Board to establish specific guidance and limitations on how a portion of the District's operating procedures are to be handled. Said Rules & Regulations shall not conflict with this or any other Ordinance of the District.
- k. "Sewer Connection Fee" means a fee to obtain permission to connect to the District sewer; to have flow capacity rights, and to use the trunk sewer, sewage treatment facilities and appurtenances, provided that the District's prevailing service charges have been paid.

SECTION 3. FEES AND CHARGES

The following fees and charges are hereby prescribed:

A. Monthly Service Charge

Category	Use	July 1, 2018 (per ERU per month)	July 1, 2019 (per ERU per month)
I	Single Residential, per each residential lot, or separate billing address, whichever is greater.	\$55.03	\$59.98
I	Multiple Residential, per each ERU or fraction thereof. * * The number of ERUs for recreational and/or other miscellaneous facilities within a multiple residential complex shall be computed per Method A or Method B in TSD Rules and Regulations for the Sewage Collection System. No monthly service charge shall be charged for laundry room facilities within a multiple residential complex, open to use only by residents of the complex.	\$55.03	\$59.98
I	Apartment, per each apartment unit where each apartment unit shall be considered 80 percent of one (1) ERU. * * The number of ERUs for recreational and/or other miscellaneous facilities within a multiple residential complex shall be computed per Method A or Method B in TSD Rules and Regulations for the Sewage Collection System. No monthly service charge shall be charged for laundry room facilities within a multiple residential complex, open to use only by residents of the complex.	\$44.01	\$47.97
I	Mobile Dwelling Unit, per each mobile dwelling unit where each mobile dwelling unit shall be considered 80 percent of one (1) ERU. *	\$44.01	\$47.97

Category	Use	July 1, 2018 (per ERU per month)	July 1, 2019 (per ERU per month)
I	Commercial, hotels, and institutional, when computed per Method B in TSD Rules and Regulations for the Sewage Collection System, per ERU or fraction thereof.	\$55.03	\$59.98
II	Shopping centers, when computed per Method B in TSD Rules and Regulations for the Sewage Collection System, per ERU or fraction thereof.	\$97.72	\$106.51
III	Restaurants, markets and mortuaries, when computed per Method B in TSD Rules and Regulations for the Sewage Collection System, per ERU or fraction thereof.	\$126.59	\$137.98
IV	<p>Special Cases, service charges shall be based on equivalent factors of flow, loading and cost of service (including an increment for costs of extraordinary service, if required) and implemented by a separate sewer use agreement between the user and District. *</p> <p>* Examples of service which may be defined as a "Special Case" include, but are not limited to, the following: (1) Service not defined in one of the preceding categories which are unique or require extraordinary service; (2) Service outside District boundaries; (3) Service to areas requiring special maintenance; (4) Service to areas requiring pumping with a lift greater than 200 feet; or, (5) Service to dischargers of wastewater of unusual strengths; (6) Service to areas where the ERU method in TSD Rules and Regulations for the Sewage Collection System results in an inequity.</p>	Individual Case	Individual Case
V	Industrial Waste Charge Permits. Any industrial waste discharge permit may provide special discharge requirements and charges, as determined by the District Manager, including, but not limited to, charges for constituents of the sewage discharge, special metering arrangements, including irrigation usage by industrial dischargers, and charges for excess flows or peak seasonal discharges by industrial users.	Individual Case	Individual Case

B. Sewer Fees

Item	Fee
Application Fee	<ol style="list-style-type: none"> 1. Projects that require only administrative review: \$0 2. Projects that require technical review: \$150
Project Completion Deposit	Projects that require a final audit or inspection: \$1000
Sewer Plan Check Fee	<ol style="list-style-type: none"> 1. Plan check fee: \$100/sheet 2. Plans resubmitted after change orders: \$100/sheet 3. Subdivision Final Map or Parcel Map Sewer Improvement Plan: \$100/sheet
Sewer Construction Inspection Fee	<ol style="list-style-type: none"> 1. Inspection Fee: \$125/hour (\$350 minimum) 2. Overtime Inspection Fee: \$200/hour 3. Closed Circuit Television Inspection: \$300/hour (\$1000 minimum)
Sewer Connection Fee	<ol style="list-style-type: none"> 1. Joint Venture Area: \$13,675 2. Bell Canyon Assessment Area: \$2,975
Bell Canyon Sewer Extension Fee	<ol style="list-style-type: none"> 1. Gravity Sewer Main: To Be Determined 2. Grinder Pump System: \$14,000
Sewer Availability Fee	\$300 (includes Application Fee)
Industrial Waste Permit Fee	<ol style="list-style-type: none"> 1. Annual Fee: \$1000/year 2. Supplemental Fee for work beyond basic level of services: \$100/hour
FOG Permit Fee	<ol style="list-style-type: none"> 1. Annual Fee: \$600/year 2. Violations: \$0 (1st), \$300 (2nd), \$500 (3rd)

Commencing on July 1, 1990 and continuing thereafter on each July 1, the sewer connection fee set forth above shall be adjusted by an increment based on the March to March average percentage change in the Construction Cost Index for the Los Angeles area published in the McGraw-Hill construction weekly magazine titled "ENR," and rounded to the nearest twenty-five dollars (\$25). However, the Board may at its sole option determine, by resolution adopted prior thereto, that such adjustment shall not be effective for the next succeeding years, or may determine other amounts as appropriate based upon the capital expenditure needs of the District.

SECTION 4. FINDINGS

The TSD 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 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-200 (adopted 5/21/18).

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

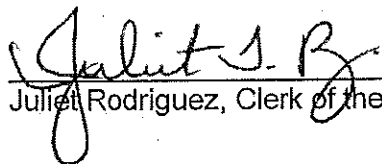
ABSENT: none

TRIUNFO SANITATION DISTRICT



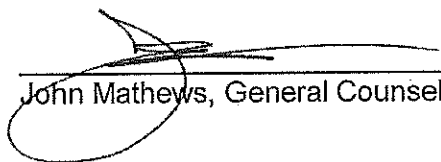
Janna Orkney, Chair

ATTESTED:



Juliet Rodriguez, Clerk of the Board

APPROVED AS TO FORM:



John Mathews, General Counsel