

**TRIUNFO SANITATION DISTRICT**

**ORDINANCE NO. TSD-97  
PRESCRIBING FEES AND CHARGES FOR RECYCLED WATER  
SUPPLIED 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 retail recycled water services to its customers within the Oak Park Water Service area and charges these customers appropriate service fees designed to cover operating and maintenance expenses associated with the provision of the services; and

**WHEREAS**, the District has estimated the costs of providing retail recycled water service based on financial information for the current year and the entire operating history of the enterprise; and

**WHEREAS**, this Ordinance prescribes fees and charges pertaining to the provision of retail recycled water service to the District's customers within the Oak Park Water Service area; and

**WHEREAS**, effective January 1, 2017, the CMWD wholesale supply rate for recycled water will increase from \$1,006 per acre-foot to \$1,040 per acre-foot, a \$34 per acre-foot increase equivalent to \$0.08 per hundred cubic feet (HCF); and

**WHEREAS**, in accordance with Government Code section 53756, the District has reserved the right to "pass-through" on the District's recycled water rates any increases in the wholesale recycled water cost to the District, as calculated per HCF; and

**WHEREAS**, the District now desires to "pass-through" CMWD's \$0.08/HCF increase in its wholesale supply rate for recycled water; and

**WHEREAS**, in accordance with Government Code section 53756, the District will provide written notice to all affected property owners in the District prior to the District passing through to those property owners CMWD's increase in its wholesale supply rate for recycled water totaling \$0.08/HCF; and

**WHEREAS**, the District has complied with all applicable requirements set forth in Article XIII D of the California Constitution (enacted by Proposition 218, November 6, 1996 Statewide election); and

**WHEREAS**, on November 21, 2016, 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 28, 2016, public hearing to consider adoption of 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 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 OF THE TRIUNFO SANITATION DISTRICT DOES ORDAIN AS FOLLOWS:**

Section 1. Short Title. This Ordinance shall be known as the TSD Recycled Water Fee and Charge Ordinance, and may be cited as such.

Section 2. Purpose. The purpose of this Ordinance is to establish fees and charges for the retail recycled water services provided to the by TSD Service Area for Fiscal Years 2017-2021. The increases in the District's quantity rates established by this Ordinance are more fully set forth in Section 4, below, and result solely from the pass-through of increases in the wholesale cost of recycled water charged to the District by Calleguas effective January 1, 2017.

Section 3. 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, firm, association, partnership, corporation, or governmental agency supplied or entitled to be supplied with water by the District for compensation.
- c. "District" or "TSD" means the Triunfo Sanitation District.
- d. "Hundred Cubic Feet" or HCF" or "Unit of Water" means 100 cubic feet or 748 gallons of water.

Section 4. Fees and Charges.

(1) Monthly Service Charge for recycled water:

Meter Size	Existing Service Charges	Proposed FY 2018	Proposed FY 2019	Proposed FY 2020	Proposed FY 2021
2"	\$125.95	\$144.84	\$149.19	\$153.66	\$153.66
3"	\$236.13	\$271.55	\$279.70	\$288.09	\$288.09
4"	\$393.56	\$452.60	\$466.18	\$480.16	\$480.16
6"	\$787.06	\$905.12	\$932.27	\$960.24	\$960.24

(2) The Quantity Rate for recycled water:

Existing Rate per HCF	Proposed for Jan 2017 Billing Period per HCF	Proposed FY 2018 per HCF	Proposed FY 2019 per HCF	Proposed FY 2020 per HCF	Proposed FY 2021 per HCF
\$3.74	\$3.82	\$4.38	\$4.51	\$4.64	\$4.64

Any of the quantity rates specified above are, in accordance with applicable law, subject to adjustment by the District should Calleguas adopt between January 1, 2017 and the end of Fiscal Year 2016-2017 further increases or decreases in its recycled water wholesale rate.

Section 5. 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 6. 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 this fee or other action that may be required.

Section 7. Effective Date. Effective for the District's January 2017 billing period, the rates and charges billed by the District for all recycled water use shall be as set forth in this Ordinance.

Section 8. 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 9. 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, including Ordinance No. TSD-95, are repealed as of the Effective Date of this Ordinance.


**PASSED, APPROVED AND ADOPTED** this 28<sup>th</sup> day of November, 2016 by the following vote:

**AYES:** *Directors Iceland, McReynolds, Orkney, Paule, Wall.*

**NOES:** *None.*


**ABSENT:** *None.*

**TRIUNFO SANITATION DISTRICT**



Michael Paule, Chair

**ATTESTED:**



Michelle Ascencion, CMC, Clerk of the Board

**APPROVED AS TO FORM:**



John Mathews, General Counsel