

## TRIUNFO SANITATION DISTRICT

### ORDINANCE NO. TSD-99 PRESCRIBING FEES AND CHARGES FOR POTABLE WATER FOR OAK PARK WATER SERVICE OWNED AND OPERATED BY TRIUNFO SANITATION DISTRICT

#### RECITALS

**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 potable water service to its customers within the Oak Park Water Service area and charges these customers appropriate service fees and charges 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 potable water service to its customers within the Oak Park Water Service area 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 potable water service to the District’s customers within the Oak Park Water Service area; and

**WHEREAS**, effective January 1, 2018, the Calleguas Municipal Water District (“Calleguas”) wholesale supply rate will increase from \$1,300 per acre-foot to \$1,375 per acre-foot, a \$75 per acre-foot increase equivalent to \$0.17 per hundred cubic feet (HCF); and

**WHEREAS**, in accordance with the Proposition 218 Omnibus Implementation Act (Government Code Section 54750 through 53756) the District has adopted a schedule of potable water rates that authorizes automatic adjustments that pass-through increase in the wholesale cost of potable water, as calculated per hundred cubic feet of water (HCF); and

**WHEREAS**, the potable water rate increases imposed by this Ordinance solely reflect automatic adjustments that pass-through increases in the wholesale cost of potable water charged by Calleguas, as calculated per hundred cubic feet of water (HCF); and

**WHEREAS**, in accordance with Government Code Section 53756(d), the District will provide written notice to all affected property owners prior to imposing the automatic adjustments set forth in this Ordinance that pass-through increases in wholesale cost of potable water charged by Calleguas, as calculated per hundred cubic feet of water (HCF). Said written notice shall be not less than thirty (30) days before the effective date of said

adjustments; 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 20, 2017, 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 27, 2017, 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 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 Potable Water Fee and Charge Ordinance.

Section 2. Purpose. This Ordinance sets forth the District's monthly service charges for potable water service, and increases the District's quantity rates for potable water service provided to the Oak Park Service Area during Fiscal Year 2017-2018 (beginning with the January 2018 billing period). 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 potable water charged to the District by Calleguas effective January 1, 2018.

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. The following fees and charges are hereby prescribed:

- a. Monthly Service Charge:

Meter Size	FY 2017-2018 Monthly Service Charge
3/4"	\$28.02
1"	\$44.24
1-1/2"	\$84.81
2"	\$133.50
3"	\$287.67
4"	\$514.87
6"	\$1,139.67

- b. The Quantity Rate for water furnished shall be:

Tier	Monthly Use	Quantity Rate Beginning with the January 2018 Billing Period	Proposed FY 2019	Proposed FY 2020	Proposed FY 2021
1	0-7 HCF	\$5.88	\$6.05	\$6.23	\$6.23
2	>7-28 HCF	\$6.69	\$6.89	\$7.09	\$7.09
3	>28 HCF	\$8.23	\$8.47	\$8.72	\$8.72

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, 2018 and the end of Fiscal Year 2017-2018 further increases or decreases in its potable water wholesale rate.

Section 5. Recitals; Additional Findings. All of the findings set forth in the above Recitals are incorporated by this reference as if fully set forth herein.

In addition, 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 the potable water rates set forth herein or other action that may be required.

Section 7. Effective Date. Effective for the District's January 2018 billing period, the rates and charges billed by the District for all potable 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-96, are repealed as of the Effective Date of this Ordinance.

**PASSED, APPROVED AND ADOPTED** this 27th day of November 2017 by the following vote:

AYES:

NOES:

ABSENT:

**TRIUNFO SANITATION DISTRICT**

\_\_\_\_\_  
James Wall, Chair

**ATTEST:**

\_\_\_\_\_  
Juliet Rodriguez, Clerk of the Board

**APPROVED AS TO FORM:**

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John Mathews, General Counsel