



# TRIUNFO SANITATION DISTRICT

A PUBLIC AGENCY

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May 20, 2019

Board of Directors  
Triunfo Sanitation District  
Ventura County, California

## **REVISIONS TO ORDINANCE NO. TSD-250 – FEES AND CHARGES FOR SEWER SERVICE**

### **Summary**

The Triunfo Sanitation District (District) Board adopted Ordinance No. TSD-250 November 26, 2018, prescribing fees and charges for sewer service. This Ordinance stipulates the District's charges and fees and includes the monthly service charges, connection fee, extension fee, plan check fee, inspection fee, and etcetera. As such, the charges and fees are reviewed annually and adjusted per guidelines established in TSD Ordinance No. TSD-200, specifically, the monthly sewer service charge and connection fee. The two proposed changes are summarized in the following sections. Staff recommends your Board review the proposed changes in fees and direct staff to schedule a public hearing to consider adoption.

### **Monthly Service Charge**

At the March 23, 2015, Board Meeting, following a Proposition 218 process, your Board approved a 5-year plan which included a 6.5% annual increase in the monthly sewer service charge effective July 1 of each year from 2015 to 2020. Subsequently, at the May 21, 2018 Board Meeting, following a Proposition 218 process, your Board approved a revised 2-year rate plan which increased the monthly sewer rates to 9% effective July 1 of each year for 2018 and 2019. The purpose of the annual increase is to provide adequate funding to address replacement of aging infrastructure and to fund the \$6M pay-go contribution for the Pure Water Project. The annual increase for 2019-2020 is scheduled to increase 9% on July 1, 2019. The following table indicates the planned sewer service charge increase for the applicable category.

**Table I: Programmed 9.0% Increase in Sewer Service Rates**

	Current Rate (per ERU* per month)	July 1, 2019 (per ERU per month)
Category		
Single Residential, Multiple Residential, and Commercial	\$55.03	\$59.98
Apartment Units	44.01	47.97
Shopping Centers	97.72	106.51
Restaurants, Markets, and Mortuaries	126.59	137.98

Note: One ERU is equal to each group of 25 fixture units (or portion thereof).

#### Connection Fee

Ordinance No. TSD-250, Section 3.B, provides for automatic annual adjustment of the connection fee based on the March-to-March 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). The current connection fee is \$13,675 for the Joint Venture area, and \$2,975 for the Bell Canyon Assessment area, respectively.

Ordinance No. TSD-250, Section 3.B, provides further that 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. Proposition 218 does not apply to this automatic annual adjustment.

The Engineering News Record's Construction Index increased 1.5% over last year. Based on the current increases in customer activities, the corresponding increase in TSD sewer connections, and the need to ensure that wastewater system development costs are fairly allocated to all system users, staff is recommending the Board consider increasing the connection fee. The proposed new adjusted connection fee would be \$13,875 for the Joint Venture Area and \$3,025 for the Bell Canyon Assessment area.

Please contact me by e-mail at [marknorris@vrsd.com](mailto:marknorris@vrsd.com) or by phone at 658-4621 if you have any questions.

#### Fiscal Impact

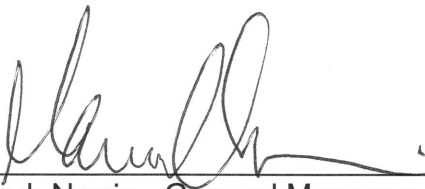
The additional revenue generated from the connection fee increase is not known at this time. The previously approved 9% increase in the sewer service fees would result in an additional revenue of approximately \$738,311 for District activities, including the Pure Water Project.

**Recommendation**

It is recommended the Board:

- A. Conduct the first reading, by title only, of proposed Ordinance No. TSD-250 (adopted 6/24/19), prescribing fees and charges for sewer service that increases the current sewer service rates by 9% and the connection fee by 1.5%; and
- B. Schedule a public hearing and Board action on June 24, 2019, at the Oak Park Library, 899 N. Kanan Road, Oak Park to conduct the second reading, by title only, and consider adoption of Ordinance No. TSD-250 (adopted 6/24/19); and
- C. Direct staff to publish on June 10, 2019, a notice 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 June 24, 2019, public hearing to consider adoption of this Ordinance; or
- D. Provide staff with direction.

REVIEWED AND APPROVED:

  
Mark Norris - General Manager

Attachment: TSD Ordinance No. TSD-250 (adopted 6/24/19)

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## **TRIUNFO SANITATION DISTRICT**

### **ORDINANCE NO. TSD-250 (Adopted 6/24/19) 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 June 10, 2019, 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 June 24, 2019, 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, 2019 (per ERU per month)
I	Single Residential, per each residential lot, or separate billing address, whichever is greater.	\$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.	\$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.	\$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. *	\$47.97

Category	Use	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.	\$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.	\$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.	\$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
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



**B. Sewer Fees**

Item	Fee
Application Fee	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: \$1,000
Sewer Plan Check Fee	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	1. Inspection Fee: \$125/hour (\$350 minimum) 2. Overtime Inspection Fee: \$200/hour 3. Closed Circuit Television Inspection: \$300/hour (\$1,000 minimum)
Sewer Connection Fee	1. Joint Venture Area: \$13,875 2. Bell Canyon Assessment Area: \$3,025
Bell Canyon Sewer Extension Fee	1. Gravity Sewer Main: To Be Determined 2. Grinder Pump System: \$14,000
Sewer Availability Fee	\$300 (includes Application Fee)
Industrial Waste Permit Fee	1. Annual Fee: \$1,000/year 2. Supplemental Fee for work beyond basic level of services: \$100/hour
FOG Permit Fee	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-250 (adopted 11/26/18).

#### **SECTION 8. EFFECTIVE DATE**

This Ordinance shall become effective July 1, 2019.

**PASSED, APPROVED AND ADOPTED** this 24<sup>th</sup> day of June 2019 by the following vote:

AYES:

NOES:

ABSENT:

**TRIUNFO SANITATION DISTRICT**

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

**ATTESTED:**

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
John Mathews, General Counsel

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