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**Board of Directors**

Raymond Tjulander, Chair

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June 28, 2021

Board of Directors  
Triunfo Water & Sanitation District  
Ventura County, California

**PUBLIC HEARING: DISTRICT ORDINANCE NO. TWSD-350 - REVISIONS TO THE FEES AND CHARGES FOR POTABLE WATER**

**Summary**

At the May 24, 2021, Triunfo Water & Sanitation District (District) Board Meeting, in compliance with the provisions set forth in Government Code Section 25131, your Board conducted the first reading of Ordinance No. TWSD-350 (Adopted 6/28/21), prescribing fees and charges for potable water service. The proposed changes include:

- Adding a fee for fire flow testing by District staff for residential construction projects
- Increases the water connection fee by 0.6% based on the March-to-March percentage change Construction Cost Index for the Los Angeles area published in the McGraw-Hill construction weekly magazine titled "ENR" for each of the water meter classes

Ordinance No. TWSD-350 further provides that the Board may refuse the CPI adjustment, or approve a lesser increase if desired. Proposition 218 does not apply to this automatic annual adjustment. Staff recommends the Board review and discuss the proposed changes to TWSD Ordinance No. TWSD-350 and conduct a public hearing to approve and execute the Ordinance to revise the fees and charges and adjust the water connection fees.

Please contact me by e-mail at [marknorris@triunfowsd.com](mailto:marknorris@triunfowsd.com) or by phone at 805-658-4621 if you have any questions.

**Fiscal Impact**

The additional revenue generated from the connection fee increase is not known at this time due to unknown planned connections. The revenue from the fees and charges for the fire flow testing will offset the District cost for providing those services.

### **Recommendation**

It is recommended the Board:

- A. Conduct a public hearing regarding proposed TWSD Ordinance No. TWSD-350 for prescribing fees and charges for potable water:
  - 1) Call to order and open the public hearing.
  - 2) Receive staff report and recommendations.
  - 3) Report of written communications.
  - 4) Public comment.
  - 5) Close public hearing.
  - 6) Discussion by Board of Directors
- B. Conduct the second reading, by title only, of Ordinance No. TWSD-350 (Adopted 6/28/21), Prescribing Fees and Charges for Potable Water Provided by Triunfo Water & Sanitation District, and adopt Ordinance No. TWSD-350 which shall take effect on July 1, 2021; and
- C. Direct staff to update the District's website to reflect the current charges and fees; or
- D. Provide staff with alternative direction.

ORDINANCE NO. TWSD-350 (Adopted 6/28/21) PRESCRIBING FEES AND CHARGES FOR POTABLE WATER PROVIDED BY TRIUNFO WATER & SANITATION DISTRICT

REVIEWED AND APPROVED

  
Mark Norris - General Manager

Attachment: TWSD Ordinance No. TWSD-350 (Adopted 6/28/21)

**TRIUNFO WATER & SANITATION DISTRICT**

**ORDINANCE NO. TWSD-350 (Adopted ~~11/23/2020~~ 11/23/2021)  
PRESCRIBING FEES AND CHARGES FOR POTABLE WATER  
PROVIDED BY TRIUNFO WATER & SANITATION DISTRICT**

**WHEREAS**, the Triunfo Water & 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 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 based on financial information for the current year and the entire operating history of the enterprise; and

**WHEREAS**, this Ordinance No. TWSD-350 ("Ordinance") prescribes fees and charges pertaining to the provision of retail potable water service to the District's customers; and

~~**WHEREAS**, effective January 1, 2021, the Calleguas Municipal Water District ("Calleguas") wholesale supply rate will increase from \$1,472 per acre-foot to \$1,507 per acre-foot, a \$35 per acre-foot increase equivalent to \$0.08 per hundred cubic foot (HCF); and~~

**WHEREAS**, in accordance with the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 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**, 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 18, 2020~~ June 14 and June 21, 2021, notices ~~was~~ were 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 23, 2020~~ June 28, 2021 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,  
Ordinance No. TWSD-350 (Adopted ~~11/23/2020~~ 11/23/2021)

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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 hereby ordains as follows:

**SECTION 1. SHORT TITLE**

This Ordinance shall be known as the TWSD Potable Water 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. "Board of Directors" or "Board" means the TWSD Board of Directors.
- b. "Customer" means any person, association, corporation, governmental agency, firm, or company of record receiving water service from the District.
- c. "District" or "TWSD" means the Triunfo Water & Sanitation District.
- d. "Hundred Cubic Feet" or HCF" or "Unit of Water" means 100 cubic feet or 748 gallons of water.

**SECTION 3. FEES AND CHARGES**

The following fees and charges are hereby prescribed:

**A. Monthly Service Charge**

Meter Size	<del>Current FY 2024</del>	FY 2022	FY 2023	FY 2024	FY 2025
3/4"	<del>\$31.53</del>	\$33.43	\$35.44	\$36.86	\$38.34
1"	<del>\$49.76</del>	\$52.75	\$55.92	\$58.16	\$60.49
1-1/2"	<del>\$94.72</del>	\$100.41	\$106.44	\$110.70	\$115.13
2"	<del>\$148.02</del>	\$156.91	\$166.33	\$172.99	\$179.91
3"	<del>\$316.78</del>	\$335.79	\$355.94	\$370.18	\$384.99
4"	<del>\$565.49</del>	\$599.42	\$635.39	\$660.81	\$687.25
6"	<del>\$1,249.44</del>	\$1,324.41	\$1,403.88	\$1,460.04	\$1,518.45

**B. Quantity Rate for Potable Water**

Tier	Monthly Use	Current Rate FY 2024	Proposed Rate 1/1/2024	Rate FY 2022	Rate FY 2023	Rate FY 2024	Rate FY 2025
1	0-7 HCF	<del>\$6.84</del>	<del>\$6.92</del>	\$7.34	\$7.78	\$8.09	\$8.42
2	>7-28 HCF	<del>\$7.75</del>	<del>\$7.83</del>	\$8.30	\$8.80	\$9.15	\$9.52
3	>28 HCF	<del>\$9.48</del>	<del>\$9.56</del>	\$10.13	\$10.74	\$11.17	\$11.62

Any of the quantity rates specified above are, in accordance with applicable law, subject to adjustment by the District should Calleguas adopt further increases or decreases in its potable water wholesale rate.

**C. Automatic Fire Sprinkler Monthly Service Charge**

Meter Size	Current FY 2024	FY 2022	FY 2023	FY 2024	FY2025
3/4"	<del>\$31.53</del>	\$33.43	\$35.44	\$36.86	\$38.34

Water used through an automatic fire sprinkler system for purposes other than for extinguishing fires or a related purpose, shall be charged the Tier 3 metered water rate for all water used through such service connection.

**D. Service Connection Fee**

Meter Size	Current FY 2024	FY2022
3/4"	<del>\$4,875</del>	<del>\$4,900</del>
1"	<del>\$8,125</del>	<del>\$8,175</del>
1-1/2"	<del>\$16,200</del>	<del>\$16,300</del>
2"	<del>\$25,900</del>	<del>\$26,050</del>
3"	<del>\$56,725</del>	<del>\$57,075</del>
4"	<del>\$102,100</del>	<del>\$102,700</del>
6"	<del>\$226,900</del>	<del>\$228,250</del>

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Commencing on July 1, 1990 and continuing thereafter on each July 1, the water 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.

**E. Processing, Planning and Inspection Fees**

Item	Fee
Application Fee	1. Projects that require only administrative review: \$0 2. All other Projects: \$150

Project Completion Deposit	Projects that require a final audit or inspection: \$1000
Water Line 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
Water Line Construction Inspection Fee	1. Inspection Fee: \$125/hour (\$350 minimum) 2. Overtime Inspection Fee: \$200/hour
<u>Fireflow Testing Fee</u>	<u>Project that require a fireflow test: \$125/hour (\$350 min)</u>

#### F. Miscellaneous Fees

Item	Fee
Account Set Up Fee	\$15.00
Construction Connection (Per Month)	\$8.50
New Customer Deposit – 3/4" Meter	\$75.00
New Customer Deposit - 1" Meter	\$80.00
New Customer Deposit – 1 1/2" Meter	\$100.00
New Customer Deposit - 2" Meter	\$150.00
New Customer Deposit over 2" Meter	\$200.00
Shut off Notice/Shut off/Turn on/etc. - Regular Business Hours	\$30.00 each
Shut off Notice/Shut off/Turn on/etc. - After Hours/Weekends	\$325.00 each
Fire Service (Per Inch of Meter Diameter)	\$6.75
Security Deposit – Metered Hydrant Service	\$1,200.00
Security Deposit – Reinstatement after shut off for customers with history of delinquent payment and will escalate based on the amount of the billing (returned after one year if no late fees are applied during the entire period)	\$150.00
Unauthorized Turn on	\$ 75.00
Unauthorized Fire Hydrant Use	\$ 250.00

In addition, the District shall collect charges for work performed or for damages incurred (i.e., damaged meter box, meter box replacement covers, damaged fire hydrants, etc.). The charges shall be based on the costs incurred including an amount for overhead as set by the District.

#### SECTION 4. FINDINGS

The TWSD 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 TWSD 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**

This Ordinance, except for those portions that are found to be invalid, would remain in full force and effect and continue to be valid. 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 TWSD-350 (Adopted ~~5/18/2020~~ 11/23/2020).

**SECTION 8. EFFECTIVE DATE**

This Ordinance shall become effective ~~January 1~~ July 1, 2021.

**PASSED, APPROVED AND ADOPTED** this ~~23<sup>rd</sup>~~ 28<sup>th</sup> day of ~~November 2020~~ June 2021 by the following vote:

AYES:

NOES: None

ABSENT: None

**TRIUNFO WATER & SANITATION DISTRICT**

~~James Wall~~ Raymond Tjulander, Chair

**ATTESTED:**

Juliet Rodriguez, Clerk of the Board

**APPROVED AS TO FORM:**

Ordinance No. TWSD-350 (Adopted ~~11/23/2020~~ 06/28/2021)

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John Mathews, General Counsel



## **TRIUNFO WATER & SANITATION DISTRICT**

### **ORDINANCE NO. TWSD-350 (Adopted 6/28/21) PRESCRIBING FEES AND CHARGES FOR POTABLE WATER PROVIDED BY TRIUNFO WATER & SANITATION DISTRICT**

**WHEREAS**, the Triunfo Water & 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 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 based on financial information for the current year and the entire operating history of the enterprise; and

**WHEREAS**, this Ordinance No. TWSD-350 ("Ordinance") prescribes fees and charges pertaining to the provision of retail potable water service to the District's customers; and

**WHEREAS**, in accordance with the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 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**, 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**, 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 14 and June 21, 2021, notices were 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 28, 2021 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 hereby ordains as follows:

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**E. Processing, Planning and Inspection Fees**

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The TWSD 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**

This Ordinance, except for those portions that are found to be invalid, would remain in full force and effect and continue to be valid. 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 TWSD-350 (Adopted 11/23/2020).

**SECTION 8. EFFECTIVE DATE**

This Ordinance shall become effective July 1, 2021.

**PASSED, APPROVED AND ADOPTED** this 28<sup>th</sup> day of June 2021 by the following vote:

AYES:

NOES: None

ABSENT: None

**TRIUNFO WATER & SANITATION DISTRICT**

\_\_\_\_\_  
Raymond Tjulander, Chair

**ATTESTED:**

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

**APPROVED AS TO FORM:**

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

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