



TRIUNFO SANITATION DISTRICT

A PUBLIC AGENCY

Board of Directors
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Providing Outstanding Service Since 1963

October 22, 2018

Board of Directors
Triunfo Sanitation District
Ventura County, California

DISTRICT ORDINANCES – REVISIONS FOR POLICY AND FEE ORDINANCES

Summary

Following an extensive review by staff, it was determined that the Triunfo Sanitation District's (District) Ordinances were in need of revisions to make them current with State statutes/guidelines and District changes. Several of the ordinances have not been reviewed for over 20 years and many others had a variety of formats and lacked consistency in language and references. Your Board approved staff and District Legal Counsel to make the necessary revisions and modifications to the District's policy and fee ordinances. All District ordinances have been updated utilizing the new numbering system previously approved by your Board and they include: TSD-101, TSD 102, TSD-150, TSD-200, TSD-201, TSD-250, TSD-300, TSD-301, TSD-350, TSD-400, and TSD-450. The proposed ordinance revisions also include pass through rate adjustments for both potable and recycled water, namely, TSD-350 and TSD-450. Staff recommends the Board review and discuss the revised ordinances and direct staff to schedule a public hearing for the November 26, 2018, Board Meeting to adopt the revised ordinances.

Background

It is recognized that the District's ordinances are living documents that require ongoing review and timely updating. It is staff's intent to implement a biennial ordinance review process that will ensure that District ordinances are well maintained.

The primary focus of the District's ordinance updating effort included the following:

- Provide for legal review/statute update
- Separate fees from policy/procedural ordinances
- Delete sections that are no longer applicable and/or reside in other documents
- Implement a new, non-sequential numbering system
- Eliminate redundancy and ensure consistency between ordinances
- Ensure consistent formatting (i.e., structure, title, footers, font, margins, definitions)

The District's ordinances were reviewed and following proposed revisions/corrections by staff, the entire package was sent to Legal Counsel for review and comment. All of the ordinances were revised for legality, numbering, formatting, and structure, but fee related ordinances were given additional review to ensure correct and updated District fees.

One of the most significant changes is to the previously used sequential numbering system. This system led to confusion and made it difficult for interested parties to identify what subject matter the ordinances addressed. The new numbering system eliminates this problem by establishing a permanent number for each ordinance. An adoption date will provide distinction between current and repealed ordinances and allow for more streamlined historical tracking.

Ordinances with minor changes

There are five (5) ordinances that required only minor changes to address new numbering, formatting, and minor clarifications. As such, staff only made administrative revisions in accordance with the provisions listed above. These ordinances include the following:

- 1) TSD-101 Board Member Compensation and Expense Reimbursement
- 2) TSD-102 Filing Claims Against the Triunfo Sanitation District
- 3) TSD-150 Miscellaneous Fees (i.e., copies, returned check fee, etc.)
- 4) TSD-201 Bell Canyon Sewer Extension Policy
- 5) TSD-301 Water Conservation Policy

For the ordinances that required more substantive changes and/or the creation of separate fee provisions, the following descriptions highlight the critical changes and modifications proposed by staff.

TSD-200 – Sanitary Sewer Policy

Ordinance TSD-200 is the District's sewer policy and covers the areas of sewer connection and construction requirements, District approvals, fee policies, violations, and owner responsibility. The previous versions contained the sewer connection fee and monthly service charge but those have been transferred to the newly established fee ordinance, TSD-250. The following revisions are the major changes beyond the previously stated administrative criteria:

- Legal preamble was added to the ordinance
- Sewer Service/Connection fees have been moved to a new and separate sewer fee ordinance (TSD-250)
- Clarified when overtime rate is applicable to inspection hours
- Added new fee policies (i.e., Application Fee, Project Completion Deposit, Sewer Availability Fee, Initial Deposit, and Accessory Dwelling Unit [ADU])

TSD-250 – Sanitary Sewer Fees

Ordinance TSD-250 covers the District's sewer and administrative fees (ADU, plan check fee, inspection fee, etc.) related to the wastewater system. The primary driver for creating this new fee ordinance is to allow the fees to be adjusted as needed separate from other sewer related policies.

- This is a new and separate ordinance for consolidation of all wastewater related fees. These fees were separated from the sanitary sewer policy in accordance with the criteria previously set forth
- Updated the sewer fee schedule to recover costs associated with processing new service applications, plan checking, inspection, industrial waste program, and the FOG program

TSD-300 – Potable Water Policy

Ordinance TSD-300 is the District's potable water policy and covers the areas of water connection and construction requirements, District approvals, fee policies, violations, billing and payments, and disconnections. It governs the application process and defines billing periods and special circumstances for connection and disconnection. The following revisions are the major changes proposed by staff:

- Added requirements for customers whose previous OPWS accounts were forwarded to collections
- Added clarification that the property owner is ultimately responsible for nonpayment of water bills, regardless of residency status
- Added charges for water used through a fire sprinkler system (other than for extinguishing fires or fire related purpose) and for miscellaneous work performed or damages incurred (i.e. damaged fire hydrant or meter box)
- Added language clarifying responsibility for leaks and related billing adjustments
- Added protocol for customer-requested meter testing
- Clarified when overtime rate is applicable to inspection hours

TSD-350 – Potable Water Fees

Ordinance TSD-350 covers the District's potable water charges (meter charges, water rates) and administrative fees (account setup fees, plan check fee, inspection fee). The revisions also include added charges for water used through an automatic fire sprinkler system other than for extinguishing fires or fire related purpose, application fee, and project completion fee. It reinstated the water connection fee and has updated planning, inspection, and other related administrative fees, and fee schedules to recover costs associated with processing new service.

In addition to the changes above, since this Ordinance prescribes the potable water quantity rates, the revised Ordinance contains the pass-through requirements for potable water rate increases. Effective January 1, 2019, the Calleguas wholesale supply rate will increase from \$1,375 per acre-foot to \$1,423 per acre-foot. The \$48 per acre-foot rate increase is equivalent to \$0.11 per hundred cubic feet ("HCF").

Staff recommends adoption of the new rate that, effective with the District's January 2019 billing period, will increase the District's potable water quantity rates across all tiers by eleven cents per hundred cubic feet (\$0.11/HCF). This increase results solely from the District's passing through, in accordance with applicable law, the Calleguas wholesale rate increase effective January 1, 2019.

The increases in the District's potable water quantity rates resulting from the pass-through of the \$0.11/HCF Calleguas wholesale water rate increase are specified in Table I:

Table I

Tier	Monthly Use	Existing Rate	Proposed For Jan 2019 Billing Period	Proposed FY 2020*	Proposed FY 2021*
1	0-7 HCF	\$6.05	\$6.16	\$6.34	\$6..34
2	>7-28 HCF	\$6.89	\$7.00	\$7.20	\$7.20
3	>28 HCF	\$8.47	\$8.58	\$8.83	\$8.83

Notes: * Does not include future pass through increase
 HCF = 100 cubic feet of water = 748 gallons

The District's current potable water rate plan was approved in compliance with Proposition 218 notice and protest procedures. In accordance with those procedures (and the provisions set forth in Government Code Section 53756), the District reserved the right to automatically "pass-through" increases in wholesale water costs by providing affected parcel owners with mailed notice of those increases not less than 30 days from the effective date of the increase. The aforementioned mailed notice satisfies the requirements of Proposition 218 with respect to the District's adoption of the recommended pass-through rate increase.

TSD-400 – Recycled Water Policy

Ordinance TSD-400 is the District's recycled water policy and covers the areas of recycled water connection and construction requirements, District approvals, fee policies, owner responsibility, and disconnections. The following revisions are the major changes proposed by staff:

- Combined recycled water policies previously under two ordinances and three amendments into one comprehensive ordinance
- Clarified meter testing protocols

TSD-450 – Recycled Water Fees

Ordinance TSD-450 covers the District's recycled water charges (meter charges, water rates) and administrative fees (account setup fees, plan check fee, inspection fee). The revisions also include updated planning, inspection, and other related administrative fees, and fee schedules to recover costs associated with processing new service.

In addition to the changes above, and since this Ordinance prescribes the recycled water quantity rates, the revised Ordinance contains the pass-through requirements for recycled

water. In order to ensure adequate funding for future recycled water capital projects and maintain the historical pricing relationship between District retail potable water rates and retail recycled water rates, staff is recommending a 3.49% recycled water retail rate increase.

Effective January 1, 2019, the CMWD will increase the wholesale potable supply rate charge to the District by 3.49% which will impact two of the District's customers, namely, Cal-Water and Hidden Valley. Staff recommends that effective with the District's January 2019 billing period, to increase the District's recycled water quantity rate for its retail customers by the same 3.29% or seventeen cents per HCF (\$0.17/HCF). The increase in the District's recycled water quantity are specified in Table I:

Table I: Increase in Retail Recycled Water Rates

Existing Rate per HCF	Proposed for Jan 2019 Billing Period per HCF	Proposed FY 2020* per HCF	Proposed FY 2021* per HCF
\$4.76	\$4.93	\$5.06	\$5.06

Notes: * Does not include future pass through increase
HCF = 100 cubic feet of water = 748 gallons

The proposed \$4.93/HCF recycled water rate is 80% of the Oak Park Water Service's Tier I proposed potable water rate (\$6.16/HCF) effective with the January 2019 billing period. Actual savings to recycled water customers is much more significant when considering that based on water usage, these customers would likely be in the Tier 3 rate if they chose to use potable water. If adopted on November 26, 2018, a notice will be mailed to recycled water customers to comply with the notification requirements under applicable law.

Please call me at 805-658-4621 or email marknorris@vrsd.com if you have any questions.

Fiscal Impact

Revenue for the District should increase with the new fees and policies to recover costs for various requests and staff workload. The exact amount cannot be determined given the uncertainty of the anticipated effort, potable and recycled water demand, and the unknown level of customer support required.

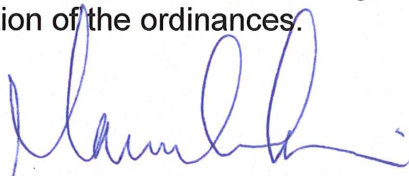
Recommendation

It is recommended the Board:

- A. Conduct the first reading, by title only, of proposed revisions to TSD Ordinance Nos. TSD-101, TSD 102, TSD-150, TSD-200, TSD-201, TSD-250, TSD-300, TSD-301, TSD-350, TSD-400, and TSD-450; and

- B. Schedule a public hearing and Board action on November 26, 2018, to conduct the second reading, by title only, and consider adoption of revised TSD Ordinance Nos. TSD-101, TSD 102, TSD-150, TSD-200, TSD-201, TSD-250, TSD-300, TSD-301, TSD-350, TSD-400, and TSD-450; and
- C. Direct staff to mail notice of the public hearing to the addresses that the District customarily mails parcel owner sewer service bills to so that said notice is received at those addresses no later than 10 days before the November 26, 2018, hearing date; and
- D. Direct staff to publish on November 12, 2018, a notice in the Ventura County Star, a newspaper of general circulation published and circulated in the District, providing a summary of the ordinances and noticing a November 26, 2018, public hearing to consider adoption of the ordinances.

REVIEWED AND APPROVED



Mark Norris - General Manager

Attachments: TSD Ordinance Nos. 101-450

TRIUNFO SANITATION DISTRICT

ORDINANCE NO. TSD-101 (Adopted 11/26/18) ESTABLISHING POLICIES AND PROCEDURES FOR BOARD MEMBER COMPENSATION AND EXPENSE REIMBURSEMENT

WHEREAS, California Health & Safety Code Section 4733 provides for the establishment of compensation for members of a County Sanitation District's Board of Directors; and

WHEREAS, Subject to the provisions of California Government Code Sections 53232 through 53232.4, it is the policy of the Triunfo Sanitation District ("District") to compensate and reimburse each member ("Director" or "Board Member") of the District's Board of Directors ("Board"), including, where applicable, alternate Board Members, based upon that Board Member's attendance or performance of certain official duties; and

WHEREAS, The Board appoints certain members to serve on the Board's advisory bodies including, without limitation standing and ad hoc committees, and to perform certain Board-related tasks; and

WHEREAS, The Board desires to establish policies and guidelines for the compensation and expense reimbursement of its members for (i) attending meetings of the Board or its advisory bodies, (ii) engaging in certain authorized activities (including attendance at Board meetings, seminars, conferences, etc., as well as reimbursement for expenses incident thereto); and

WHEREAS, The Board has complied with all requirements under applicable law for the adoption of this Ordinance No. TSD-101 ("Ordinance") including, without limitation, those set forth in Health and Safety Code Section 4766.

NOW, THEREFORE, the Board hereby ordains as follows:

SECTION 1. DIRECTOR'S COMPENSATION

In accordance with California Health & Safety Code Section 4733, Directors shall be paid the sum of \$218 for each Board or Board advisory body meeting (collectively, "Meetings") attended by the Director or each "Day of Service" performed by the Director. The term "Day of Service" shall mean a day, or any portion of a day, where a Board Member is engaged in those Authorized Activities set forth in Section 3 (Expense Payment and Reimbursement) of this Ordinance, including travel to and from those Authorized Activities. The total compensation a Director may be paid in a month attending Meetings and performing Authorized Activities shall not exceed six times the per meeting compensation. Payment for services in one month shall not be delayed to another month to avoid this limitation. Directors shall not be compensated for more than one meeting and/or any Day of Service occurring on the same day. Where the Board has appointed a Director ("Appointee") and an alternate Director ("Alternate Appointee") to attend Meetings or perform a Day of Service, the Alternate Appointee shall not receive compensation for attending a Meeting or performing a Day of Service that the Appointee attends or performs; however, the Alternate Appointee may receive compensation for attending a Meeting or performing a Day of Service that the Appointee does not attend or perform.

A. Appointments

1. Any Board Member or alternate(s) who serves as a member (or alternate member) of an advisory body of the District (including, without limitation, standing and ad hoc committees) shall be appointed by either the Board or the Board's chairperson.
2. A single Board Member and alternate shall be appointed by the Board or the Board's chairperson to perform the Authorized Activity set forth in Section 3(a)(4).
3. A single Board Member and alternate shall be appointed by the Board or the Board's chairperson to perform the Authorized Activity set forth in Section 3(a)(5).

B. Board Approval

1. Notwithstanding any other provision of this Ordinance, a Board Member must obtain the prior authorization of the Board for attending any meeting or performing any activity that conflicts with a District or Las Virgenes –Triunfo JPA regularly scheduled or special board meeting for which the Board Member will be seeking compensation and/or expense reimbursement.
2. Notwithstanding any other provision of this Ordinance, a Board Member must obtain the prior authorization of the Board for out-of-state travel for which the Board Member will be seeking compensation and/or expense reimbursement.
3. A Board Member shall not receive compensation or seek reimbursement for expenditures related to attending any meeting or performing any activity that is not set forth in Section 1 (Director's Compensation) or Section 3 (Expense Payment and Reimbursement) of this Ordinance, unless the Board Member obtained prior authorization of the Board or Board chairperson to attend that meeting or perform the activity.
4. Notwithstanding any other provision of this Ordinance, prior approval of the Board shall be required before any Board Member may perform any of the Authorized Activities set forth in Section 3(a)(3).

SECTION 2. POLICY FOR REIMBURSEMENT OF EXPENSES

In accordance with the provisions of California Government Code Sections 53232 through 53232.4, it is the policy of the District to reimburse each Board Member, (including alternate Members when required) for actual and necessary expenses ("Authorized Expenses") incurred as a result of the Member's performance of official duties and Authorized Activities. Authorized Expenses, a further described in Section 3 (Expense Payment and Reimbursement), are for Board Members only, and shall not include expenses incurred by any unauthorized individual, such as family members. Authorized Expenses shall not include personal expenses, such as entertainment, alcoholic beverages, or personal care expenses.

SECTION 3. EXPENSE PAYMENT AND REIMBURSEMENT

In accordance with this Ordinance, and other applicable law, Board Members shall be entitled to have actual and necessary expenses that are incident to the performance of official duties, Authorized Activities or other Board-authorized District business reimbursed by the District as follows:

A. Authorized Activities

Expenses incurred while engaging in the following activities are considered Authorized Expenses if all requirements of this Ordinance are fulfilled:

1. Attending meetings of the following organizations designed to improve Board Members skill and information levels: (a) California Association of Sanitation Agencies (CASA); (b) Association of Water Agencies of Ventura County (AWA-VC); (c) Ventura County Special Districts Association (VCSDA); (d) California Special Districts Association (CSDA); (e) WateReuse; and (f) Association of California Water Agencies (ACWA). To the extent such organizations also provide reimbursement of expenses, the Board Member shall first utilize those reimbursement provisions;
2. Attending District scheduled events;
3. Attending meetings with organizations, or representatives of regional, state and national government on District adopted policy positions;
4. Attending meetings of the Ventura Regional Sanitation District as an interested Board Member of the Triunfo Sanitation Board and not as a Board Member of the Ventura Regional Sanitation District only after the Chair has reviewed the Ventura Regional Sanitation District Board agenda and believes there are issues on the agenda that requires attendance by a District Board Member; or
5. Conducting a once per month review of the District's expense statements.

B. Transportation

Generally, Board Members must use the most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements, using the most direct and time-efficient route.

1. **Airfare:** Airfares that are generally the most economical and reasonable for reimbursement under this Ordinance.
2. **Automobile:** Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect. These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable.
3. **Car Rental:** Rental rates that are generally the most economical and reasonable for purposes of reimbursement under this Ordinance.
4. **Taxis/Shuttles:** Taxis or shuttles fares may be reimbursed, including a 15% gratuity per fare when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.
5. **Parking:** Parking rates that are generally the most economical and reasonable for reimbursement under this Ordinance.
6. **Other:** Baggage handling fees of up to \$1 per bag and gratuities of up to 15% will be reimbursed.

C. Lodging

1. General

- a. Lodging expenses will be reimbursed only at the single occupancy rate for rooms.
 - b. Lodging expenses will be reimbursed when travel is required for authorized activities and is more than 50 miles from the starting point and reasonably requires an overnight stay.
- 2. Conferences/Meetings:** If lodging is associated with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking.
- 3. Other Lodging:** Lodging rates that are generally the most economical and reasonable for reimbursement under this Ordinance.

D. Meals and Incidental Expenses

For meals associated with District business reimbursement for the actual and reasonable cost shall not exceed:

Breakfast	\$20
Lunch	\$20
Dinner	\$40
Gratuity	Up to 15%

E. Expense Reports

- 1. All reimbursement requests must be submitted on an expense report form provided by District.
- 2. Expense reports must document that the expense in question met the requirements of this policy.
- 3. Board Members must submit their expense reports (except mileage expense) within thirty (30) days after an expense is incurred, accompanied by receipts documenting each expense. Restaurant and lodging receipts, in addition to any credit card receipts, are also part of the necessary documentation. Mileage expense reports may be submitted quarterly.
- 4. Inability to provide such documentation in a timely fashion may result in the expense being borne by the Board Member.
- 5. All expenses are subject to verification that they comply with this policy.

SECTION 4. REPORTS TO BOARD

At the Board meeting following an activity, Board Members must briefly report on meetings attended at District expense. If multiple Board Members attended a joint report may be made.

SECTION 5. COMPLIANCE WITH LAWS

Some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the California Public Records Act.

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-101.

SECTION 8. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days from the date of adoption.

PASSED, APPROVED AND ADOPTED this 26th day of November 2018 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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TRIUNFO SANITATION DISTRICT

ORDINANCE NO. TSD-102 (Adopted 11/26/18) ESTABLISHING POLICIES AND PROCEDURES FOR FILING CLAIMS AGAINST THE TRIUNFO SANITATION DISTRICT

WHEREAS, the California Government Code, commencing with Section 900 et seq. specifies the procedures, rules, and regulations pertaining to filing claims for money or damages against local public entities; and

WHEREAS, the California Tort Claims Act generally mandates the filing of claim as a prerequisite to the recovery of money or damages from the Triunfo Sanitation District ("District") and Government Code Section 905 describes certain limited exceptions when such a claim need not be filed; and

WHEREAS, Government Section 935 permits the District to adopt local ordinances or regulations to require the filing of a claim when otherwise exempted by Section 905; and

WHEREAS, the District is duly organized and established under the laws of the State of California and as such is empowered to adopt regulations and ordinances relative to claims for money and damages against the District; and

WHEREAS, a public hearing, noticed pursuant to and in compliance with Government Code Section 6062(a) was held at a scheduled meeting of the Board of Directors; and

WHEREAS, after hearing a staff presentation, considering the testimony received at the public hearing and discussion of the issue by the Board of Directors, the Board of Directors concludes that there exists a need to adopt certain regulations and ordinances dealing with the presentment of claims against the District for money or damages.

NOW, THEREFORE, the Board hereby ordains as follows:

SECTION 1. FILING CLAIM

All claims against the District for money or damages shall be presented in writing and acted upon by the District prior to the commencement of a lawsuit on the cause of action represented by the claim. The filing of a written claim against the District for money and damages shall be a prerequisite to the individual commencing a lawsuit on the cause of action represented by the claim and said written claim shall be presented to the clerk of the District at the District offices.

Except as provided for herein, all other filing requirements and time limitations for filing of claims for money and damages shall be in compliance with the California Government Code and such ordinances adopted in compliance with the California Government Code by the District.

SECTION 2. 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 3. 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-35.

SECTION 4. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days from the date of adoption.

PASSED, APPROVED AND ADOPTED this 26th day of November 2018 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

TRIUNFO SANITATION DISTRICT

ORDINANCE NO. TSD-150 (Adopted 11/26/18) PRESCRIBING MISCELLANEOUS FEES AND CHARGES

WHEREAS, the Triunfo Sanitation District (“District”) is duly organized and established under the laws of the State of California; and

WHEREAS, Health and Safety Code Section 5471 and Government Code Section 66013 authorize the District to prescribe, revise and collect certain fees, tolls, rates, rentals, or other charges for services and facilities furnished by it in connection with its water, sanitation, or sewerage system; and

WHEREAS, to the extent authorized by Health and Safety Code Section 5471 and Government Code Section 66013, the District desires to impose certain miscellaneous fees and charges for specific services or products it may provide to an individual customer (“Miscellaneous Fees and Charges”); and

WHEREAS, the District has determined the reasonable costs of specific services or products it may provide to an individual customer; and

WHEREAS, the revenues derived from the Miscellaneous Fees and Charges will not be used by the District for any purpose other than to defray the costs of providing the services and products provided to an individual customer; and

WHEREAS, Health and Safety Code Section 5473.10 authorizes the District to provide for a basic penalty of not more than ten percent (10%) for nonpayment of charges within the time and in the manner prescribed by it, and to provide for a penalty of not exceeding one and one-half percent (1½%) per month for nonpayment of the charges and basic penalty; and

WHEREAS, to the extent authorized by Health and Safety Code Section 5473.10, the District desires to impose certain penalties for nonpayment of District charges within the time and in the manner prescribed; and

WHEREAS, information regarding the proposed Miscellaneous Fees and Charges was available for public inspection and review ten (10) days prior to a public hearing, and notice of the public hearing was given in compliance with Government Code Section 66016; and

WHEREAS, a public hearing, noticed pursuant to and in compliance with Government Code Sections 66018 and 6062a was held at a scheduled meeting of the Board of Directors; and

WHEREAS, after considering the 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 Miscellaneous Fees and Charges do not exceed the reasonable costs of providing those services or products to an individual customer; and

WHEREAS, the District finds that the Miscellaneous Fees and Charges established by this Ordinance are neither an incident of property ownership nor a property-related service having a direct relationship to property ownership and; therefore, not subject to the requirements of California Constitution Article XIID; and

WHEREAS, the District finds that, pursuant to California Constitution Article XIII C, Sections 1(e)(2) and 1(e)(5), the Miscellaneous Fees and Charges established by this Ordinance are not taxes subject to the requirements of California Constitution Article XIII C, Section 2; and

WHEREAS, The District finds that the purpose of the Miscellaneous Fees and Charges established by this Ordinance is to meet the District's operating expenses, including, without limitation, purchasing or leasing supplies, equipment and materials, and, therefore, the adoption of this Ordinance is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15273(a);

NOW, THEREFORE, the Board hereby ordains as follows:

SECTION 1. SHORT TITLE

This Ordinance shall be known as the TSD Miscellaneous 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 TSD Board of Directors.
- b. "Customer" means any person, association, corporation, governmental agency, firm, or company of record receiving service from the District.
- c. "District" or "TSD" means the Triunfo Sanitation District.

SECTION 3. MISCELLANEOUS FEES AND CHARGES

The following miscellaneous fees and charges are hereby prescribed:

Item	Fee
Archive retrieval or research	Actual cost (time & material + copies)
Laserwriter copy (computer copy)	\$0.10
Letter size photocopy – each of first 3 pages	\$0.50
Letter size photocopy – each additional page	\$0.10
Irregular size photocopy page	\$0.50
Approved item for person use of District staff	\$0.10
Credit Card Convenience Fee	\$ (current applicable fee)
Engineering Drawings (2’x3’) Blue Line	\$1.50
Engineering Drawings (2’x3’) Sepia Mylar	\$18.00
Engineering Drawings (2’x3’) Xerographic	\$6.00
Late Payment Penalty	Each charge that becomes past due will incur a 10% penalty plus 1.5% of outstanding balance (including penalties) each additional month until paid
Postage to mail requested materials	Actual cost
Consultant Reports	Actual Cost
District Reports	\$0.10/page plus labor
Budget Reports	\$15.00
Comprehensive Annual Financial Report	\$25.00
Check returned (without prior notice)	\$25.00

SECTION 4. FINDINGS

The District's 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 District's 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-74.

SECTION 8. EFFECTIVE DATE

Effective for the District's January 2019 billing period, the miscellaneous fees and charges billed by the District shall be as set forth in this Ordinance.

PASSED, APPROVED AND ADOPTED this 26th day of November 2018 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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TRIUNFO SANITATION DISTRICT
ORDINANCE NO. TSD-200 (Adopted 11/26/18)
ESTABLISHING POLICIES AND PROCEDURES FOR
SEWER SERVICE
OWNED AND OPERATED BY TRIUNFO SANITATION DISTRICT

WHEREAS, the Triunfo Sanitation District (“District”) is duly organized and established under California Health and Safety Code Section 4700 et seq., known and cited as the “County Sanitation District Act” (“Act”); and

WHEREAS, Section 4741 of the Act authorizes the District to acquire, construct, and complete sewage collection, treatment and disposal works, and property or structures necessary or convenient for sewage collection, treatment, and disposal; and

WHEREAS, the District provides sewer services to certain users of such services (“Customers”) and, in accordance with applicable law, charges those Customers certain fees designed to cover the District’s operating and maintenance expenses associated with the District’s provision of sewer service; and

WHEREAS, Health and Safety Code Section 4766 authorizes the District to adopt ordinances for the purpose of exercise and effect of any to its powers, or for the purposes for which it is formed, including, without limitation, an ordinance establishing policies and procedures for the District’s sewer service; and

WHEREAS, the District Board of Directors desires to establish policies and procedures for the District’s sewer service and to repeal all prior ordinances or portions of ordinances that may be in conflict with those newly established policies and procedures; and

WHEREAS, this Ordinance No. TSD-200 (“Ordinance”) was available for public inspection and review ten (10) days prior to a public hearing and notice of the public hearing was given in compliance with applicable law; and

WHEREAS, after hearing a staff presentation, considering the testimony received at the public hearing and discussion of the issues, the Board of Directors concludes that the policies and procedures should be adopted in the best interest of the District and those customers served by the District; and

WHEREAS, this action to adopt this Ordinance p Regulations is a project subject to review under the California Environmental Quality Act (“CEQA”) (Public Resource Code Section 21000 et seq.); and

WHEREAS, Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) and Section 15321 (Enforcement Actions by Regulatory Agencies) of the State CEQA Guidelines (Chapter 3 of Division 6 of Title 14 of the California Code of Regulations) provide Categorical Exemptions from CEQA. Section 15308 exempts actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Section 15321 categorically exempts actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency.

NOW, THEREFORE, the Board hereby ordains as follows:

SECTION 1. SHORT TITLE

This Ordinance shall be known as the TSD Sewer Service Policy 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. "Building" means any structure used for human habitation, business, recreation, or other uses requiring sanitary facilities.
- d. "Building sewer" means that portion of any sewer which begins at the plumbing or drainage outlet of a building or industrial facility and runs to the property line or a private sewage disposal system.
- e. "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.
- f. "Condominium" is an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on such real property, such as an apartment, office, or store. A condominium may include, in addition, a separate interest in other portions of such real property. Such estate, with respect to the duration of its enjoyment, may be either (1) an estate of inheritance or perpetual estate, (2) an estate for life, or (3) an estate for years, such as a leasehold or a subleasehold.
- g. "Contractor" means any individual, firm, partnership, association, or corporation currently licensed by the State of California to perform the type of work required by permit.
- h. "District" or "TSD" means the Triunfo Sanitation District.
- i. "Domestic sewage" means the waterborne wastes derived from ordinary living processes, free from commercial, institutional or industrial wastes, and of such character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private sewage disposal system.
- j. "Equivalent Residential Unit" or "ERU" shall mean 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.

- k. "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.
- l. "Industrial waste" means any and all commercial, institutional or industrial waste substances, liquid or solid, except domestic sewage and including, but not limited to, radioactive wastes and explosives, noxious, toxic or corrosive gases or liquids when present in the sewerage system.
- m. "Institutional" means any educational institution supported by state or local taxes.
- n. "Lateral sewer" means the sewer line which begins at the foundation wall of a building and terminates at the main sewer.
- o. "Main sewer" means a public sewer which is designed to accommodate more than one lateral sewer.
- p. "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.
- q. "Multiple residential sewer connection" means a sewer to serve more than one single family residence.
- r. "Permit" means any written authorization required pursuant to this Ordinance or any other rules or regulations of the District for the installation or connection of any sewage works or source control permits.
- s. "Person" means any human being; individual corporation, public or private entity, governmental agency or institution or any other user of the sewer service provided by the District.
- t. "Private sewer" means a sewer serving an independent sewage disposal system not connected with a public sewer; for example, a septic tank system.
- u. "Public sewer" means a sewer lying within a public right of way or assessment under the jurisdiction of the District.
- v. "Rules and Regulations" or "Rules and Regulations for the Sewage Collection System" mean 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.
- w. "Sanitary sewer" means a sewer to which storm, surface, and ground waters are not intentionally admitted.

- x. "Sewage" means any combination of water-carried wastes from a residence, a business, or an institutional or industrial establishment.
- y. "Sewage works" mean all facilities for the collection, transportation, storage, pumping, treatment, reclamation, and disposal of sewage.
- z. "Sewer" means any pipe or conduit for the transportation of sewage.
- aa. "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.
- bb. "Sewer Service Charge" means a charge which is assessed to each property or entity with the ability to discharge wastes to the District's wastewater system. This charge covers the costs of operating and maintaining the District's wastewater collection and treatment facilities, including administration costs, replacement of upgraded equipment or capital facilities, and capital improvements necessary to meet new regulatory requirements.
- cc. "Single residential sewer connection" means a sewer to serve a single family residence.
- dd. "Street" means any public highway, road, street, avenue, alley, way, public place, public easement, or right-of-way.

SECTION 3. GENERAL PROVISIONS

A. Application of Ordinance

This Ordinance is intended to provide for the use, maintenance, installation and construction of all sanitary sewer facilities hereinafter installed, altered, or repaired within the District. This Ordinance shall have no retroactive effect.

B. Unlawful Connection & Use

It is unlawful for any person to connect to, construct, install or provide, maintain and/or use any other means of sewage disposal from any building in said District, except by connection to a public sewer in the manner provided by this Ordinance. Where the cost of providing sewer service to any lot, parcel or building within the District would cause an undue hardship on the District, the District reserves the right to delay sewer service to said lot, parcel or building until such time as the District is financially able to provide such service.

C. Relief on Application

When any person, due to special circumstances, considers any provision of this Ordinance to be unjust or inequitable as applied to his premises, he may make a written application to the Board requesting a variance of the provision in this Ordinance. Such application shall state the special circumstances and the pertinent provision shall be cited. The Board may make a motion to grant a variance or modification to the provision complained of, said suspension or modification to be effective as to the date of the application, and to be continued during the period of such special circumstances.

D. Relief on Own Motion

The District, on its own motion, may find, due to special circumstances, that a provision of this Ordinance should be suspended or modified as applied to particular premises. It may make a motion to order suspension or modification to all or part of such premises during the period of such special circumstances.

E. District Inspector

The District may employ a qualified person or persons to inspect the installation, connection, maintenance and use of all, public and private sewers, and all facilities in connection with said District.

SECTION 4. PUBLIC SEWER USE

A. Waste Disposal

It shall be unlawful for any person to place, deposit, or permit the deposit in an unsanitary manner upon public or private property within the District, or in any area within the jurisdiction of the District, any human excrement or other objectionable waste. Chemical toilets on construction sites, however, may be used during the construction period.

B. Treatment of Waste

It shall be unlawful to discharge into any drainage conduit, stream or watercourse any sewage, industrial waste, or other polluted waters.

C. Unlawful Disposal

Except as provided herein, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, sewage pit or other facility intended for the disposal of sewage.

D. Occupancy Prohibited

No building, structure or other facility shall be occupied until the owner of the premises has complied with the provisions of this Ordinance.

E. Sewer Required

Any building or structure located on property which abuts any easement or right-of-way in which there is a present or planned public sewer of the District shall, at the expense of the owner of said building or structure, and in accordance with the provisions of this Ordinance, be connected to the public sewer, provided that said public sewer is within two hundred (200) feet of the property line of the building site or structure; and that said building or structure is not in excess of four hundred (400) feet from the District sewer. Said sewer connection shall be completed within sixty (60) days following receipt of official notification to proceed.

SECTION 5. PRIVATE SEWER DISPOSAL

Where a public sewer is unavailable under Section 4E (Sewer Required), the building sewer shall connect to a private sewage disposal system complying with the provisions of the Ventura County, or appropriate city, Building & Safety Department, as well as the appropriate Public Health Official or any Rules & Regulations of the District and shall not serve more than one parcel of land.

SECTION 6. SEWER SERVICE CHARGE

A. Sewer Service Charge

A sewer service charge shall be paid to the District in accordance with the District's fee ordinance or resolution.

B. Method of Collection

1. Initial Connection to the Public Sewer

When sewer connections have been installed and approved in accordance with District Ordinances and Rules & Regulations, the sewer service charges for the connections covered shall be as follows:

- a. If said connections are completed after the first Monday of May and prior to the first day of July of any calendar year, the sewer service charges shall become owing, due and payable in advance for the remainder of the fiscal year in which said connections are completed and for the next succeeding fiscal year. Such sewer service charge for the remainder of the fiscal year in which connections are completed shall be computed by prorating the annual charge from the first day of the calendar month following the date of such completion to the end of the fiscal year.
- b. If said connections are completed on or after the first day of July of the succeeding calendar year, the sewer service charge shall become owing, due and payable in advance for the remainder of the fiscal year in which said connections are completed. Such sewer service charge shall be computed by prorating the annual charge from the first day of the calendar month following the date of such completion to the end of the fiscal year.
- c. The previous sections (a) and (b) shall not apply to connections to serve nontaxable entities. The sewer service charges for these accounts shall be collected on a bimonthly basis in the manner set forth in Section 23 of the Rules and Regulations for the Sewage Collection System adopted by the Board of Directors of the District.
- d. If said connections are to serve "Outside-of-District" accounts or accounts on which the charges are based on unusual flow and/or waste characteristics, the previous sections (a) and (b) may be waived, at the option of the District. If these sections are waived, the sewer service charges shall be collected on a bimonthly basis in the manner set forth in Section 23 of the Rules and Regulations for the Sewage Collection System adopted by the Board of Directors of the District.
- e. Any unpaid portion of the said sewer service charges, except for accounts exempted from this method of collection, shall constitute a lien against the respective property on which is located the residence, building or facility for which said sewer service charge was imposed.

2. Sewer Connections Existing on the First Monday of May of any Calendar Year

- a. Pursuant to Section 5473 of the Health & Safety Code of the State of California, the sewer service charge for any sewer service connections existing on the first Monday of May of any calendar year for any lot, building or parcel of land shall be collected on the tax roll in the same manner, by the same persons, and at the same time as, together with, and not separately from, the general taxes.
- b. Any unpaid sewer service charge shall become delinquent at the same time as all other taxes and shall constitute a lien against the respective property on which is located the residence, building or facility for which said sewer service charge was imposed.
- c. Sewer service charges for nontaxable entities are exempted from this method of collection. Charges for "Outside-of-District" accounts and for accounts on which the charges are based on unusual flow and/or waste characteristics may be exempted from this method of collection at the option of the District. Sewer service charges for any accounts exempted from this method of collection shall be collected on a bimonthly basis in the manner set forth in Section 23 of the Rules and Regulations for the Sewage Collection System adopted by the Board of Directors of the District.
- d. The method of collecting sewer service charges on the tax roll is an alternative to other methods of collection specified elsewhere in this Ordinance.

3. Sewer Connections on New Apartment Occupied Units

A new apartment unit's occupancy-factor shall be calculated for the first year, in accordance with prior district experience, on a scale from zero to full occupancy over a one year period, per the table below. As the factor is calculated and set, the precise charge for the time from first occupancy until the next June 30 shall be direct billed and subject to normal penalties for nonpayment. The balance of the initial one year occupancy period shall be calculated and placed on the next year's tax rolls, along with an amount equal to full occupancy, prorated for the balance of the tax year. After the initial one year period, apartment complexes will be calculated the same as single family residential properties, and shall be charged for full occupancy, even if there is less than full occupancy. There shall be no further credits for vacancies after the initial one year period.

C. Direct Billing Penalties for Nonpayment and Collection

All fees and charges made or assessed under the provisions of this Ordinance are due and payable 15 days from the mailing date of the billing document and shall become delinquent 15 days thereafter. Delinquent amounts shall be subject to a penalty.

1. Penalty Application

The penalties described herein shall be applied to accounts with direct billing only. The usual penalty applied by the Auditor-Controller/Tax Collector's office shall be applied to unpaid property tax bills, where the fees and charges have been placed on the tax rolls for collection. The extraordinary penalties described herein shall not be applied to unpaid property tax bills.

2. Penalty Initial Amount

For apartment complexes, commercial and industrial accounts with direct billing, there shall be a basic penalty charge equal to 10% of the unpaid balance. Single family residential accounts with direct billing will incur a basic penalty charge of 1.5%.

3. Penalty Ongoing Amount

Balances of all accounts plus any basic penalty charge which remains unpaid at the end of the next regular billing period shall incur additional penalty charges of one and one-half percent (1.5%) per month on the unpaid balance until paid. Continued nonpayment will result in the unpaid amounts, plus any collection costs to the district, being added to the tax rolls for collection during the next tax year.

SECTION 7. BUILDING SEWERS, LATERALS AND CONNECTIONS

A. Construction Requirements

The requirements of the District and this Ordinance shall govern the construction of building and lateral sewers. Specific requirements shall be set by resolution of the District in a format known as the Rules and Regulations for the Sewage Collection System.

B. Separate Sewers

No two adjacent lots fronting on the same street shall be permitted to join in the use of the same lateral sewer, and every building or industrial facility shall be separately connected. However, one or more buildings located on property belonging to the same owner may be served with the same lateral sewer during the period of said ownership. The District shall render a single bill to the property owner, or applicant of record, which shall include the sewer service charge for the entire property. Upon subsequent subdivision and sale of the portion of a lot, that portion not directly connected with a public sewer shall be separately connected with the public sewer. It shall be unlawful for the owner to continue to use or to maintain such indirect connection.

C. Condominium Projects

In condominium projects, two or more units of the condominium may, at the option of the District, be permitted to join in the use of the same lateral sewer. The responsibility for maintenance of such lateral sewer shall be as defined in Section 12D (Owner's Responsibility).

SECTION 8. PUBLIC SEWER CONSTRUCTION

A. Subdivisions

Prior to the Approval by the District of any final subdivision map, the requirements in Section 10 (Approval and Fees) of this Ordinance shall be fully complied with. Said map shall provide for dedication for public use of all streets, easements or rights-of-way in which public sewer lines are to be constructed. The developer shall construct the sewers in the subdivision or tract in accordance with District standards, and shall thereupon offer to dedicate said public sewers to the District. In accordance with the Rules and Regulations for the Sewage Collection System of the District, developers, property owners, and/or other applicants for service may be required to oversize sewerage facilities to serve adjacent areas.

B. Incomplete Construction

If the map as provided for in Section 8A (Subdivisions) of this Ordinance is recorded, and the sewer construction of the tract is not completed within the time limit granted by Approval as defined below, the District may extend the time limit, or may complete the work and take appropriate action to enforce the provisions of the bond furnished by the subdivider.

C. Easements or Rights-of-Way

Where an easement is required for the extension of the public sewer or a connection thereof, an acceptable easement or right-of-way shall be procured by the applicant and shall be dedicated to the District. Such easement or right-of-way shall be legally sufficient in form, and approved by the District prior to the laying and maintenance of such extension or connection.

D. Authorized Contractors

Public sewer construction within the District shall be performed by authorized contractors, currently licensed by the State of California or by the District. All terms and conditions of the District Approval shall be binding on the contractor. The requirements of this section shall also apply to lateral sewers installed concurrently with public sewer construction.

SECTION 9. TYPES OF WASTES PROHIBITED

No person shall knowingly discharge or deposit or allow the discharge or deposit into District sewers, solids or fluids which create nuisances, such as odors; are a menace to public health; or are detrimental to the functioning of said sewers or to the treatment processes and/or disposal facilities of the District. The specific rules and regulations to implement this prohibition shall be set by Resolution of the District in a format known as the Rules and Regulations for Sewage Disposal. Said Rules and Regulations shall set limitations on certain wastes and discharges into the District sewers and provide for a system of industrial permits, wastewater monitoring and self-reporting.

SECTION 10. APPROVALS AND FEES

A. Approval Required

No unauthorized person shall uncover, connect with, or open into, use, alter, or disturb any public sewer or appurtenance, or perform work on any drainage system without first obtaining written approval (“Approval”) from the District. Such Approval shall be posted at the work site and shall be shown upon demand of any District authorized representative.

B. Application for Approval

Any person legally entitled to apply for and receive an Approval may make application to the District. The location, ownership, occupancy and use of the premises, and a description of the proposed nature of the work to be performed shall be provided by the applicant. Specifications, plans, drawings and other information shall be supplied to the District as deemed necessary.

An application fee shall be paid to the District for the administrative costs associated with making a determination and processing the paperwork required for providing clearance to the County of Ventura and the City of Thousand Oaks for tenant improvement and sewer connection projects (“Application Fee”). This fee shall be per the District’s fee ordinance or resolution, except for

those applications requiring minimal processing as determined by the District (i.e., administrative staff review only), which shall incur no charge.

C. Compliance

Approval of the application is evidenced by the issuance of the Approval. Thereafter, no change shall be made in the location of the sewer, the grade, materials or other details described in the application or as shown on the approved plans and specifications, unless prior written permission is obtained from the District, or other authorized representatives. Until the connections covered by the issued Approval have been installed and approved in accordance with District Ordinances and Rules & Regulations, no residence, building or facility to be served by said connections shall be allowed to discharge sewage to the public sewer.

D. Agreement

The signature of the applicant on the application shall constitute an agreement to comply with all provisions, terms and requirements of this Ordinance. The signature shall constitute an agreement to comply with the approved plans and specifications and any further corrections or modifications as may be required by the District. Such agreements shall be binding upon the applicant and may be modified by the District after the receipt and consideration of a written request for modification submitted by the applicant.

E. Annexation Fees

The owner or owners of lands within areas to be annexed to the District shall, upon annexation to the District, pay a reasonable fee which will be determined by the Board upon application by the owner or owners. Upon annexation, this Ordinance and all Rules & Regulations of the District shall apply and be complied with in the manner provided.

F. Sewer Connection Fee

Sewer connection fees shall be paid in full prior to final approval of any Subdivision, Planned Development, Special Use Permit, Building Permit, and/or prior to the commencement of any work necessary to furnish sewer service to any residence, building or parcel.

However, in a case where an individual owns a parcel of land larger than ten acres in size, but desires sewer service for only a small portion thereof, and if the District is financially able to do so, it may, at its sole option, collect sewer connection fees for only that portion of the parcel that is to be developed as shown on Subdivision, Planned Development, or Special Use Permit improvement plans. At such time as further development of the parcel occurs, the then applicable sewer connection fees shall be paid for the remainder.

Said sewer connection fee shall be in accordance with the rate effective on the date of the most recent final Approval and/or the commencement of the necessary work, whichever is later.

Sewer connection fees paid shall be considered paid in full for 18 months following the date of payment. Following the expiration of the 18 month period, the entire amount of the current sewer connection fee shall be paid in full, with credit being given for any amount previously paid.

G. Amount of Sewer Connection Fee

The following names are established for the purpose of identifying service areas for use in establishing and collecting connection charges:

1. "Bell Canyon Assessment" shall mean all areas within the general area known as Bell Canyon and also identified in the Engineer's Report for Bell Canyon Sewer Assessment District No. 85-1 as benefiting unimproved lots.
2. "Joint Venture" shall mean all areas within the District which do not qualify under subsection (1) above.

The fee for connecting each ERU to the facilities of the District shall be per the District's fee ordinance or resolution.

H. Sewer Plan Check Fee

When sewer plans are first submitted, a fee shall be paid to the District for all public sewer construction plan checking. Plan check fees shall be per the District's fee ordinance or resolution.

I. Sewer Construction Inspection Fee

A fee shall be paid to the District for all public sewer construction inspection. Sewer construction inspection fees shall be per the District's fee ordinance or resolution.

Overtime inspection is defined as an inspection occurring outside regular business hours (i.e., public holidays observed by District, weekends, and workdays before 8:00 am or after 4:00 pm). The overtime inspection rate will be per the District's fee ordinance or resolution.

J. Industrial Waste Permit Fee

A fee shall be paid to the District for the issuance of an Industrial Waste Permit. All persons requiring an industrial waste discharge permit shall pay to the District an annual permit fee per the District's fee ordinance or resolution. The General Manager or designated representative shall be empowered to set forth in the Industrial Waste Permit, any additional testing, sampling, analysis, flow measures, or other activities as determined at the discretion of the District. Should the District or its agents perform required industrial wastewater sampling, analysis, review, flow measurements or other activities for an industrial user in excess of the conditions presented at the time of permit issuance or if such activity is necessary to ensure compliance with the conditions of the permit, said user shall be held responsible for all accrued costs.

K. Project Completion Deposit

A deposit shall be paid to the District for either sewer connection projects or tenant improvement projects that require a final audit or inspection by District staff ("PC Deposit"). The PC Deposit shall be per the District's fee ordinance or resolution. The deposit shall be refunded upon final completion, final inspection, and/or final audit of the project, less any additional unanticipated costs (i.e., additional plan review and/or inspections, pro-rated service fees, etc.) incurred during the project.

L. Sewer Availability Fee

A fee shall be paid to the District for issuance of a letter verifying that the District has capacity to serve the requested residential property address ("Sewer Availability Fee"). This letter is not intended to be an Approval for a sewer connection process. An Approval will be issued after fees (i.e., connection, extension, etc.) and other District requirements have been met. The Sewer Availability Fee shall be per the District's fee ordinance or resolution. If an Approval process for

the property is initiated within 18 months following issuance of the Sewer Availability letter, the Sewer Availability fee will be credited against the fees required for the Approval process.

M. Initial Deposit

A deposit shall be paid at the time of application for either sewer connection projects or tenant improvement projects that require a final audit or inspection by District staff (“Initial Deposit”). The Initial Deposit shall include the Application Fee, PC Deposit, Sewer Plan Check Fee, Sewer Construction Inspection Fee, Sewer Connection Fee (if applicable), Sewer Extension Fee (if applicable), and miscellaneous fees (if applicable) related to the project. If it is determined that the Initial Deposit is insufficient to recover actual costs, District staff will scope the work remaining on the project and calculate an additional subsequent deposit. At the completion of the project (after District’s final audit), or if the application is withdrawn or not approved, the difference between the deposited amount and the actual costs shall be refunded to the applicant within 180 days.

N. Accessory Dwelling Units (ADUs)

ADU legislation (effective January 1, 2018 for special districts), allows the District to charge a connection or capacity fee for new ADU construction. However the fees must be proportional (based upon either its size or number of plumbing fixtures) relative to the primary single family resident on the property. For ADUs constructed within the existing space of a single family residence or accessory structure (i.e., adds no new square footage), no new connection or capacity fees will be imposed.

Per the ADU legislation, ADUs constructed within the District service area will be charged both connection and user fees that are proportional to the fixture counts relative to the primary resident. For ADUs constructed within the existing space of the primary resident or accessory structure (i.e., garage, workshop, etc.), no new connection or capacity fees will be charged.

O. Contract and Bonds – Public Sewage Works Construction

1. **Contract.** A written contract satisfactory to the District shall be submitted prior to Approval to construct any public sewer or connection thereof.
2. **Bonds.** A faithful performance bond and materials and labor bond or cash, each in the amount equivalent to the total estimated cost of the work, shall be furnished by the applicant to the District, prior to Approval for public sewer construction. Such bond shall be secured by a surety bond or sureties satisfactory to the District. The Faithful Performance Bond, or cash deposit, shall be conditioned upon the full performance of all the terms and conditions of the Approval. It shall guarantee correction of faulty workmanship and replacement of defective materials for a period of one (1) year after date of acceptance of the work by the District.
3. **Declaration of Restrictions.** If any dwelling unit requires a backflow prevention device, it will be necessary for the developer to record a “Declaration of Restrictions” absolving the District of any liability arising out of damage resulting from the failure of that backflow prevention device. A “Will Serve” letter will not be issued for a property requiring a backflow prevention device until this document has been recorded against the property.
4. **Developer’s Agreement.** If a developer presents apartment unit development plans for District Approval which conform with existing city or county requirements

for condominiums or townhouses and requests reduced apartment fee sewer connection rates, a “Developer’s Agreement” must be signed regarding payment of additional sewer connection fees at the time of the conversion of apartment units to either condominiums or townhouses. Any conversion of existing apartment units to condominium or townhouse units will be subject to the increased connection fees if at the time connection fees were calculated any discounted connection fee was granted based on the fact the units were designed as apartments.

P. Disposition of Fees

All fees collected or received by the District shall be deposited promptly with the proper authority as provided by the District to receive such funds.

Q. All Costs Paid by Owner

All costs and expenses incident to or arising out of the installation and connection of any sewer or other work for which an Approval is required, shall be at the expense of the owner.

R. Owner to Indemnify District

The owner of any property shall indemnify the District from loss or damage directly or indirectly caused by the installation and connection of any sewer or other work for which an Approval is required.

S. Outside Sewers

Permission to connect any lot or parcel of land outside the District to any public sewer under the jurisdiction of the District shall only be granted by Approval. The applicant shall enter into a written contract satisfactory to the District whereby he shall bind himself, his heirs, successors, and assigns to abide by all Ordinances and Rules & Regulations regarding the use of such sewer, the connection, and the draining therewith. The applicant shall pay all fees and a monthly service charge set by the District for the use of such sewer. The granting of permission for sewer service for property outside the District shall be optional with the Board. Where special conditions exist relating to property located outside the District, a special contract as approved by the District shall be consummated between the applicant and the District.

T. Liability

The applicant shall be solely liable for any defects or failure during performance of the work or any failure which may develop therein. The District, its officers, agents and employees, shall not be answerable for any liability, death or injury to persons, or property damage due to, or arising out of, the performance of the work by the applicant. The applicant shall answer for and save the District, its officers, agents and employees from all liabilities imposed by law, including all costs, expenses, fees and interest incurred in seeking to enforce this provision.

SECTION 11. ENFORCEMENT

A. Time Limit – Approvals

If the work granted by District Approval is not commenced within 18 months from date of issuance, or is discontinued for a period of ninety (90) days after partial completion, the Approval shall be void. No further work shall be undertaken until a new Approval has been secured by proper application. The work shall be completed within the calendar days for completion as specified by the new Approval.

B. Violation

Any person found to be in violation of any provision of this or other Ordinance of the District, shall be served with written notice by the General Manager or other authorized representative. Such written notice shall state the nature of the violation and provide reasonable time limit for correction thereof. Said time limit shall not be less than two (2) nor more than seven (7) working days. Within the time period stated in the notice, all violations shall permanently cease. All persons shall be strictly liable for the acts of their agents and employees performed under the provisions of this or any other Ordinance or Rules & Regulations of the District. Upon notification by the District of any defect arising in any sewer, or notification of any violation of this Ordinance, corrections shall immediately be effected by the person or persons in charge of said work.

C. Public Nuisance

Continued habitation of any building, or continued operation of any industrial facility in violation of the provisions of this or any other Ordinance or Rules & Regulations, is hereby declared a public nuisance. Proceedings may be brought by the District to abate such nuisance during the period of violation.

D. Means of Enforcement

The District declares the foregoing procedures are established as a means of enforcing the provisions of this and any other Ordinance or Rules & Regulations of the District, and not as a penalty.

E. Misdemeanor

The violation of any Ordinance or Rules & Regulations of the District by any person shall be punishable in accordance with the laws of the State of California.

F. Liability for Violation

The violation of any provision of this Ordinance, or Rules & Regulations of the District, by any person shall cause him to be liable to the District for any expense, loss or damage caused the District by reason of the violation.

SECTION 12. MISCELLANEOUS PROVISIONS

A. Protection from Damage

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which constitutes a part of the District sewerage works. Any person in violation of this provision shall be subject to the penalties provided by law.

B. Authority of Inspectors

The General Manager, officers, inspectors, or any other duly authorized employee of the District, shall wear or carry an official badge of office, or other evidence, which establishes his position as such. Upon the exhibition of proper credentials and identification, he shall be permitted to enter into residential, commercial, institutional and industrial facilities for the purposes of inspection, observation, measurement, sampling, testing, or otherwise performing the necessary duties

pursuant to the enforcement of the provisions of this or any other Ordinance or Rules & Regulations of the District.

C. Original Connection on Commencement of Operation of Sewage System

Notwithstanding any statement to the contrary herein, the owner of any building situated within the District, and under the terms of this Ordinance is required to connect such building to the proper public sewer, shall have sixty (60) days after such date as the Board shall proclaim that the District is ready to receive sewage into the District sewage system, to connect such building directly with the proper public sewer. Costs of such connection are to be at the expense of the owner.

D. Owner's Responsibility

The owner shall be responsible for installing, maintaining, and replacement of the lateral sewer from the building connection to the public sewer main, including the wye connection. It is further understood that the owner shall be responsible for the installment, maintenance and operation of backflow preventers and clean-outs.

SECTION 13. 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 14. 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.

SECTION 15. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days from the date of adoption.

PASSED, APPROVED AND ADOPTED this 26th day of November 2018 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

TRIUNFO SANITATION DISTRICT

ORDINANCE NO. TSD-201 (Adopted 11/26/18) ESTABLISHING POLICIES AND PROCEDURES FOR BELL CANYON SEWER EXTENSION

WHEREAS, there are approximately 166 lots located in three separate areas of Bell Canyon that are not accessible to existing Triunfo Sanitation District (“District”) sewer lines, and were not included in Assessment District No. 85-1. Nearly half of the lots have homes on them. The sewer was built during the early 1970's and areas difficult to reach with a traditional gravity sewer were not served. The technology of wastewater collection has since improved.

WHEREAS, extreme slopes and abundant rock in the area made sewer pipe construction difficult and expensive, and also make individual septic tank wastewater treatment less effective. Many homeowners and the County of Ventura have requested public sewer service in these areas.

WHEREAS, homeowners in the area are now showing interest in sewerage the north end of Dapplegray, Appaloosa, Concho, and Wrangler Roads. The area contains 10 vacant lots and 30 homes on septic tanks.

WHEREAS, it is appropriate for the Board of Directors to establish policy regarding currently proposed and future Bell Canyon sewer line extensions.

NOW, THEREFORE, the Board hereby ordains as follows:

SECTION 1. GENERAL PROVISIONS

- A. Lot owners, hereinafter referred to as “Connectors”, volunteer to fund extension of the sewer. Each extension is funded equally by the Connectors involved, regardless of the length of extension to their lot, except that Connectors of multiple lots shall participate in proportion to the number of lots owned.
- B. The District will offer to facilitate private loan financing for Connectors.
- C. Connectors shall have the extension designed and built per the District Rules and Regulations for the Design and Construction of Sewage Collection Systems OR have the District design, construct, and inspect the extension. In either event, all plans and specifications shall be approved by the District prior to the start of construction.
- D. For District design and construction – Design will start when all involved Connectors pay the then-current treatment plant connection fee. Advertising for construction will start after Connectors have paid the District the estimated project cost plus 25% for contingencies. Within three months of construction completion, the District will rebate or collect more from Connectors as necessary to match the final project cost.
- E. Connectors own and maintain their own individual grinder pumps and the connecting lateral up to and including the manual shut-off valve located adjacent to the District main line. The District shall have no responsibility for grinder pumps, laterals or manual shut-off valves. The District shall at all times, however, maintain the right to access and use the manual shut-off valve as it relates to flow into the District’s sewer line. No connection to the District’s sewer line may be made and/or used without the District’s written approval and payment of all associated fees and charges.

SECTION 2. EXTENSION CHARGES

- A. Every owner who connects his/her lot to the extended Bell Canyon sewer pays the District a Sewer Extension Fee for the extension plus the then-current sewer connection fee for wastewater treatment facilities. The owner is also responsible for procuring his or her own grinder pump and on-lot piping.
- B. The District reimburses the then-current owners of lots that have participated in extension construction. Connectors who have or participate in a main line extension costing \$12,500 or more are "Participants."
- C. The District will establish a Reimbursement Limit (based on the estimated cost of extending the sewers to all of Bell Canyon) and Sewer Extension Fee (twice the Reimbursement Limit). Participants will be reimbursed from collected Sewer Extension Fees, if any, in June each year. Any reimbursement will be made according to the following priorities in the order shown:
 - 1. Reduce the remaining contribution of those Participants with the greatest remaining contribution.
 - 2. Reduce the remaining contribution of all Participants to the Reimbursement Limit.
 - 3. Reduce the remaining contribution of all Connectors to the Reimbursement Limit.

Where contributions are equal, reimbursement shall be made in the same order as investments, with the first connector receiving the first reimbursement. The total of all reimbursements shall not exceed the amount of Sewer Extension Fees collected in Bell Canyon. No guarantee of reimbursement is intended.

- D. The Reimbursement Limit and Sewer Extension Fee, initially \$6,000 and \$12,000 respectively, shall hereafter be set by resolution. The Board may revise the Reimbursement Limit and Sewer Extension Fee for future extensions each time an extension in excess of 1,500 feet is completed OR every three years OR every ten extensions, whichever comes first. The revision will reflect the then current expected cost of extending sewers to all of Bell Canyon. The Reimbursement Limit may be reduced, but will not be increase for participants whose projects are completed before the Limit is adjusted.
- E. If and when the sewer has been extended to all the lots in Bell Canyon and all Participants' investments have dropped to the reimbursement limit, the District will commence reimbursing the Connectors. The District will reimburse Connectors chronologically based on the date they paid their extension fee. Each Connector will be reimbursed to the reimbursement limit or funds available from extension fees before the next Connector is reimbursed. The extension fee for the last Connector will equal the then-current Reimbursement Limit. See Exhibit A for examples.

SECTION 3. 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 4. 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-44.

SECTION 5. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days from the date of adoption.

PASSED, APPROVED AND ADOPTED this 26th day of November 2018 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

EXHIBIT A – EXAMPLES

As of October 1999, there are three “corners” of Bell Canyon not served by gravity sewers. They are Dapplegray/Appaloosa (potentially 52 lots), Western Bell Canyon (potentially 36 lots) and Saddlebow (potentially 78 lots). With the current estimated project cost to serve all 166 lots at \$960,000, the Reimbursement Limit should initially be set at \$6,000.

Projects completed or actively requested as of October 1999:

<u>Area</u>	<u>Potential</u>	<u>Participating</u>	<u>Project Cost</u>	<u>Per Participant</u>
Dapplegray/Appaloosa 1 (DA1)	10	4	\$50,000	\$12,500
Dapplegray/Appaloosa 2 (DA2)	42	8	\$240,000	\$30,000
Western Bell Canyon 1 (W1)	2	1	\$18,850	\$18,850

Sample Reimbursement Calculation June 2001:

Assumptions: DA2 is built in FY 2000 with 8 participants (\$30,000 each)
 2 lots connect to DA1 and 2 lots connect to DA2 in FY 2001
 Sewer Extension Fee for 4 connections at \$12,000 each = \$48,000 available
 Because they have the greatest investment, the District reimburses the DA2 Participants \$6,000 each (\$48,000/8) in June 2001, bringing their remaining contribution down to \$24,000 each (\$30,000-\$6,000).

Sample Reimbursement Calculation June 2005:

Assumptions: DA2 is built in FY 2000 with 8 Participants (\$30,000 each)
 W1 is built in FY 2001 by a single Participant (\$18,850)
 9 lots previously connected to DA2 reduced DA2/W1 contributions to \$16,761 each*
 1 lot connects to Western Bell Canyon in FY 2005
 Sewer Extension Fee for 1 connection at \$12,000 = \$12,000 available
 Because they still have the greatest investment, the District reimburses the DA2/W1 Participants \$1,333 each (\$12,000/9) in June 2005, bringing their remaining contribution down to \$15,428 each (\$16,761-\$1,333).

Sample Reimbursement Calculation June 2009:

Assumptions: All extensions built for \$1,328,000 (Reimbursement Limit \$1,328,000/166 = \$8,000)
 All PARTICIPANTS have been paid down to the Reimbursement Limit
 4 lots connect in FY 2009
 Sewer Extension Fee for 4 connections at current \$16,000 fee = \$64,000 available
 The first 10 Connectors paid \$12,000 each. They are reimbursed the \$4,000 difference from the current \$8,000 Reimbursement Limit, totaling \$40,000 (\$64,000 - \$40,000 = \$24,000 available).
 The next 10 Connectors paid \$13,000 each, \$5,000 more than the current \$8,000 Reimbursement Limit. At \$5,000 each, 4 are reimbursed down to the Reimbursement Limit (total \$20,000) and the next earliest Connector is reimbursed the remaining \$4,000. Because he/she still has \$1,000 outstanding, this Connector will be the first reimbursed in the following year.

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.

SECTION 8. EFFECTIVE DATE

Effective for the District's January 2019 billing period, the fees and charges billed by the District for all sewer use shall be as set forth in this Ordinance.

PASSED, APPROVED AND ADOPTED this 26th day of November 2018 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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TRIUNFO SANITATION DISTRICT
ORDINANCE NO. TSD-300 (Adopted 11/26/18)
ESTABLISHING POLICIES AND PROCEDURES FOR
OAK PARK WATER SERVICE
OWNED AND OPERATED BY TRIUNFO SANITATION DISTRICT

WHEREAS, the Triunfo Sanitation District (“District”) is duly organized and established under California Health and Safety Code Section 4700 et seq., known and cited as the “County Sanitation District Act” (“Act”); and

WHEREAS, Section 4767 of the Act authorizes the District to acquire, distribute and retail water supplies to its Customers for domestic and other uses; and

WHEREAS, the District operates Oak Park Water Service (“OPWS”) to provide retail water services to certain Customers and, in accordance with applicable law, charges those Customers certain fees designed to cover the District’s wholesale purchase of potable water from Calleguas Municipal Water District, as well as operating and maintenance expenses associated with the District’s provision of water service; and

WHEREAS, Health and Safety Code Section 4766 authorizes the District to adopt ordinances for the purpose of exercise and effect of any to its powers, or for the purposes for which it is formed, including, without limitation, an ordinance establishing policies and procedures for the District’s retail sale of water by OPWS; and

WHEREAS, the District Board of Directors desires to establish policies and procedures for the District’s retail sale of water by OPWS and to repeal all prior ordinances or portions of ordinances that may be in conflict with those newly established policies and procedures; and

WHEREAS, this Ordinance No. TSD-300 (“Ordinance”) was available for public inspection and review ten (10) days prior to a public hearing and notice of the public hearing was given in compliance with applicable law; and

WHEREAS, after hearing a staff presentation, considering the testimony received at the public hearing and discussion of the issues, the Board of Directors concludes that the policies and procedures should be adopted in the best interest of the District, OPWS and those customers served by OPWS; and

WHEREAS, this action to adopt this Ordinance is a project subject to review under the California Environmental Quality Act (“CEQA”) (Public Resource Code Section 21000 et seq.); and

WHEREAS, Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) and Section 15321 (Enforcement Actions by Regulatory Agencies) of the State CEQA Guidelines (Chapter 3 of Division 6 of Title 14 of the California Code of Regulations) provide Categorical Exemptions from CEQA. Section 15308 exempts actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Section 15321 categorically exempts actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency.

NOW, THEREFORE, the Board hereby ordains as follows:

- A.** All of the above Recitals are true and incorporated by reference herein as if set forth in full.
- B.** Ordinance No. TSD-300 is subject to review under the California Environmental Quality Act (“CEQA”) (California Public Resource Code Section 21000 *et seq.*), but is categorically exempt from the terms and conditions of CEQA pursuant State CEQA Guidelines (Chapter 3 of Division 6 of Title 14 of the California Code of Regulations) Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) and Section 15321 (Enforcement Actions by Regulatory Agencies). The project involves actions taken by the District (i) as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment, (ii) to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the District, and (iii) to adopt District ordinances which govern the District’s water system operations. There is no substantial evidence in the record of proceedings before the District Board of Directors on this project showing a reasonable possibility of a significant effect on the environment due to unusual circumstances. Therefore, the project qualifies for the categorical exemptions under 14 California Code of Regulations Sections 15308 and 15321 and is adopted on that basis.
- C.** The District Board of Directors directs that a Notice of Exemption be filed with the County Clerk of the County of Ventura in accordance with CEQA Guidelines.

IT IS FURTHER ORDAINED by the Board as follows:

ARTICLE I. WATER POLICY AND PROCEDURES

SECTION 1. SHORT TITLE

This Ordinance shall be known as the TSD Water Policy 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. “Applicant” means the person, association, corporation, or governmental agency applying for water service.
- b. “Board of Directors” or “Board” means the TSD Board of Directors.
- c. “OPWS” means Oak Park Water Service, a water service wholly owned and operated by the District.
- d. “Customer” means any person, association, corporation, governmental agency, firm, or company of record receiving water service from the District.
- e. “Disabled” means any residential Customer whose health or physical condition may qualify him for special consideration. Proof of disability must be by certification from a licensed physician, public health nurse, or social worker.

- f. "District" or "TSD" means the Triunfo Sanitation District.
- g. "Metered Service" means service to Premises for which OPWS imposes charges computed on the basis of measured quantities of water provided by OPWS to the Premises.
- h. "Nonresidential Service" means provision of water for use in connection with business, industrial or other nonresidential purposes.
- i. "Premises" means property owned or occupied by a Customer served or otherwise eligible to be served by OPWS.
- j. "Residential Service" means provisions of water for household purposes.

SECTION 3. GENERAL PROVISIONS

A. Application of Ordinance

This Ordinance is intended to provide for the use, maintenance, installation and construction of all water facilities hereinafter installed, altered, or repaired within the District. This Ordinance shall have no retroactive effect.

B. Relief on Application

When any person, due to special circumstances, considers any provision of this Ordinance to be unjust or inequitable as applied to his premises, he may make a written application to the Board requesting a variance of the provision in this Ordinance. Such application shall state the special circumstances and the pertinent provision shall be cited. The Board may make a motion to grant a variance or modification to the provision complained of, said suspension or modification to be effective as to the date of the application, and to be continued during the period of such special circumstances.

C. Relief on Own Motion

The District, on its own motion, may find, due to special circumstances, that a provision of this Ordinance should be suspended or modified as applied to particular premises. It may make a motion to order suspension or modification to all or part of such premises during the period of such special circumstances.

D. District Inspector

The District may employ a qualified person or persons to inspect the installation, connection, maintenance and use of all water facilities in connection with said District.

SECTION 4. WATER SERVICE CHARGE

A water service charge shall be paid to the District in accordance with the District's fee ordinance or resolution.

SECTION 5. PUBLIC WATER LINE CONSTRUCTION

A. Subdivisions

Prior to the Approval by the District of any final subdivision map, the requirements of Section 6 (Approvals and Fees) shall be fully complied with. Said map shall provide for dedication for public use of all streets, easements or rights-of-way in which public water lines are to be constructed. The developer shall construct the water lines in the subdivision or tract in accordance with District standards, and shall thereupon offer to dedicate said public water lines to the District. Developers, property owners, and/or other applicants for service may be required to oversize water facilities to serve adjacent areas.

B. Incomplete Construction

If the map as provided for in Section 5A (Subdivisions) of this Ordinance is recorded, and the water line construction of the tract is not completed within the time limit granted by written Approval by the District ("Approval"), the District may extend the time limit, or may complete the work and take appropriate action to enforce the provisions of the bond furnished by the subdivider.

C. Easements or Rights-of-Way

Where an easement is required for the extension of the public water line or a connection thereof, an acceptable easement or right-of-way shall be procured by the applicant and shall be dedicated to the District. Such easement or right-of-way shall be legally sufficient in form, and approved by the District prior to the laying and maintenance of such extension or connection.

D. Authorized Contractors

Public water system construction within the District shall be performed by authorized contractors, currently licensed by the State of California or by the District. All terms and conditions of the District Approval shall be binding on the contractor. The requirements of this section shall also apply to service laterals installed concurrently with public water line construction.

SECTION 6. APPROVALS AND FEES

A. Approval Required

No unauthorized person shall uncover, connect with, or open into, use, alter, or disturb any public water line or appurtenance, or perform work on any water system without first obtaining written Approval from the District. Such Approval shall be posted at the work site and shall be shown upon the demand of any District authorized representative.

B. Application for Approval

Any person legally entitled to apply for and receive an Approval may make application to the District. The location, ownership, occupancy and use of the premises, and a description of the proposed nature of the work to be performed shall be provided by the applicant. Specifications, plans, drawings and other information shall be supplied to the District as deemed necessary.

C. Compliance

Approval of the application is evidenced by the issuance of the Approval. Thereafter, no change shall be made in the location of the water line, the grade, materials or other details described in the application or as shown on the approved plans and specifications, unless prior written permission is obtained from the District, or other authorized representatives.

D. Agreement

The signature of the applicant on the application shall constitute an agreement to comply with all provisions, terms and requirements of this Ordinance. The signature shall constitute an agreement to comply with the approved plans and specifications and any further corrections or modifications as may be required by the District. Such agreements shall be binding upon the applicant and may be modified by the District after the receipt and consideration of a written request for modification submitted by the applicant.

E. Annexation Fees

The owner or owners of lands within areas to be annexed to the District shall, upon annexation to the District, pay a reasonable fee which will be determined by the Board upon application by the owner or owners. Upon annexation, this Ordinance and all Rules & Regulations of the District shall apply and be complied with in the manner provided.

F. Water Connection Fee

Water connection fees, shall be paid in full prior to final Approval of any subdivision, planned development, special use permit, building permit, and/or prior to the commencement of any work necessary to furnish water service to any residence, building or parcel.

However, in a case where an individual owns a parcel of land larger than ten acres in size, but desires water service for only a small portion thereof, and if the District is financially able to do so, it may, at its sole option, collect water connection fees for only that portion of the parcel that is to be developed as shown on subdivision, planned development, or special use permit improvement plans. At such time as further development of the parcel occurs, the then applicable water connection fees shall be paid for the remainder.

Said water connection fee shall be in accordance with the rate effective on the date of the most recent final Approval and/or the commencement of the necessary work, whichever is later.

G. Amount of Water Connection Fee

Water connection fees shall be per the District's fee ordinance or resolution.

H. Public Water Line Plan Check Fee

When water system plans are first submitted, a fee shall be paid to the District for all water system construction plan checking. Plan check fees shall be per the District's fee ordinance or resolution.

I. Public Water System Construction Inspection Fee

A fee shall be paid to the District for all public water line construction inspection. Water line construction inspection fees shall be per the District's fee ordinance or resolution.

Overtime inspection is defined as an inspection occurring outside regular business hours (i.e., public holidays observed by District, weekends, and workdays before 8:00 am or after 4:00 pm). The overtime inspection rate will be per the District's fee ordinance or resolution.

J. Contract and Bonds – Public Water System Construction

1. **Contract.** A written contract satisfactory to the District shall be submitted prior to Approval to construct any public water system connection thereof.
2. **Bonds.** A faithful performance bond and materials & labor bond or cash, each in the amount equivalent to the total estimated cost of the work, shall be furnished by the applicant to the District, prior to Approval for public water system construction. Such bond shall be secured by a surety bond or sureties satisfactory to the District. The Faithful Performance Bond, or cash deposit, shall be conditioned upon the full performance of all the terms and conditions of the Approval. It shall guarantee correction of faulty workmanship and replacement of defective materials for a period of one (1) year after date of acceptance of the work by the District.

K. Disposition of Fees

All fees collected or received by the District shall be deposited promptly with the proper authority as provided by the District to receive such funds.

L. All Costs Paid by Owner

All costs and expenses incident to or arising out of the installation and connection of any water system or other work for which an Approval is required, shall be at the expense of the owner. Said owner shall indemnify the District from loss or damage directly or indirectly cause by the work.

M. Outside Water Systems

Permission to connect any lot or parcel of land outside the District to any public water system under the jurisdiction of the District shall only be granted by Approval. The applicant shall enter into a written contract satisfactory to the District whereby he shall bind himself, his heirs, successors, and assigns to abide by all Ordinances and Rules & Regulations regarding the use of such water. The applicant shall pay all fees and a monthly service charge set by the District for the use of such water. The granting of permission for water service for property outside the District shall be optional with the Board. Where special conditions exist relating to property located outside the District, a special contract as approved by the District shall be consummated between the applicant and the District.

N. Liability

The applicant shall be solely liable for any defects or failure during performance of the work or any failure which may develop therein. The District, its officers, agents and employees, shall not be answerable for any liability, death or injury to persons, or property damage due to, or arising out of, the performance of the work by the applicant. The applicant shall answer for and save the District, its officers, agents and employees from all liabilities imposed by law, including all costs, expenses, fees and interest incurred in seeking to enforce this provision.

SECTION 7. ENFORCEMENT

A. Time Limit – Approvals

If the work granted by District Approval is not commenced within 18 months from date of issuance, or is discontinued for a period of ninety (90) days after partial completion, the Approval shall be void. No further work shall be undertaken until a new Approval has been secured by proper application. The work shall be completed within the calendar days for completion as specified by the new Approval.

B. Violation

Any person found to be in violation of any provision of this or other Ordinance of the District, shall be served with written notice by the District or other authorized representative. Such written notice shall state the nature of the violation and provide reasonable time limit for correction thereof. Said time limit shall not be less than two (2) nor more than seven (7) working days. Within the time period stated in the notice, all violations shall permanently cease. All persons shall be strictly liable for the acts of their agents and employees performed under the provisions of this or any other ordinance or rules & regulations of the District. Upon notification by the District of any defect arising in any water system, or notification of any violation of this Ordinance, corrections shall immediately be effected by the person or persons in charge of said work.

C. Public Nuisance

Continued habitation of any building, or continued operation of any industrial facility in violation of the provisions of this or any other ordinance or rules & regulations, is hereby declared a public nuisance. Proceedings may be brought by the District to abate such nuisance during the period of violation.

D. Disconnection

The alternate method of enforcing the provisions of this or any other Ordinance or Rules & Regulations of the District, shall be as follows: The District shall have the power to disconnect the user or subdivision water system from the water mains of the District. Upon disconnection, the District shall estimate the cost of disconnection and reconnection. Such user shall deposit said estimated cost prior to reconnection to the system. The District shall refund any part of the deposit remaining after payment of the aforementioned costs.

E. Public Nuisance Abatement

During the period of disconnection, human habitation of such premises shall constitute a public nuisance whereupon the District shall initiate proceedings for the abatement of said nuisance during the disconnection. Reasonable attorney’s fees and costs of suit of any action brought shall be paid the District as a condition precedent to reconnection.

F. Means of Enforcement

The District declares the foregoing procedures are established as a means of enforcing the provisions of this and any other ordinance or rules & regulations of the District, and not as a penalty.

G. Misdemeanor

The violation of any ordinance or rules & regulations of the District by any person shall be punishable in accordance with the laws of the State of California.

H. Liability for Violation

The violation of any provision of this Ordinance, or Rules & Regulations of the District, by any person shall cause him to be liable to the District for any expense, loss or damage caused the District by reason of the violation.

SECTION 8. MISCELLANEOUS PROVISIONS

A. Protection from Damage

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which constitutes a part of the District water works. Any person in violation of this provision shall be subject to the penalties provided by law.

B. Authority of Inspectors

The officers, inspectors, General Manager or any other duly authorized employee of the District, shall wear or carry an official badge of office, or other evidence, which establishes his position as such. Upon the exhibition of proper credentials and identification, he shall be permitted to enter into residential, commercial, institutional and industrial facilities for the purposes of inspection, observation, measurement, sampling, testing, or otherwise performing the necessary duties pursuant to the enforcement of the provisions of this or any other ordinance or rules & regulations of the District.

C. Owner's Responsibility

The owner shall be responsible for installing, maintaining, and replacement of the water system downstream of the District's meter.

ARTICLE II. SERVICE AND BILLINGS

SECTION 1. DESCRIPTION OF SERVICE

A. Quantities

OPWS will endeavor to supply water dependably and safely and in adequate quantities to meet Customers' reasonable needs and requirements. OPWS will not be liable for interruptions of service, shortage, or inadequacy of supply.

B. Pressures

OPWS will endeavor to maintain adequate service pressures as further defined in the County of Ventura Public Works Water Design and Construction Standards to those properties located within the water system. In the event that any Customer or OPWS deems that the pressure is inadequate, then the Customer shall furnish and maintain at his expense whatever devices are necessary to boost the pressure for his premises. In the event water pressure are deemed to be excessive by either the Customer or OPWS, then the Customer shall furnish and maintain at

his own expense such devices as may be required to protect his plumbing and/or to reduce the pressures.

OPWS shall not be responsible for maintenance of water pressure at all times nor maintenance of water pressure for Customers located at high elevations beyond normal OPWS water pressure. The Customer shall be responsible for the following:

1. Operation and maintenance for any on-site pumping booster equipment where such equipment is on the Customer's side of the meter and is intended to boost the water pressure.
2. The setting and maintenance of the pressure regulator that is normally installed by the contractor in the areas of high pressure to protect house/building plumbing. In general, such a device shall be installed wherever the service pressure exceeds eighty (80) pounds per square inch (psi).
3. Design landscape irrigation and building plumbing systems for reasonable expected pressure after consideration of OPWS's master plans for water systems. Unless specific information is known to the contrary, those Customer systems should be designed to operate properly at a minimum of forty five (45) psi.

C. Quality

Potable Water provided by OPWS meets or exceeds all primary drinking water requirements set forth by the California Department of Public Health. OPWS water does contain minerals that contribute to "hardness". Hardness may result in the accumulation of mineral deposits of water appliances. OPWS is not liable for any discoloration, spotting or any other damages resulting from the mineral content of the water.

SECTION 2. APPLICATION FOR SERVICE

A. Application for Service

Each Applicant for service may be required to sign, on a form provided by OPWS, an application which will set forth:

- a. Date of application.
- b. Service address.
- c. Date Applicant will be ready for service.
- d. Name of Applicant.
- e. Address to which bills are to be mailed or delivered.
- f. Whether Applicant is owner, tenant of or agent for the premises.
- g. Driver's license or social security number.
- h. Contact information.
- i. Such other information as OPWS may reasonably require.

B. Joint and Several Liability

Two or more parties who join in one application for service shall be jointly and severally liable for payment of bills and shall be billed by means of single periodic bills.

C. Change in Customer's Equipment or Operations

Customers making any change in operations on their premises requiring substantial increases in the rates of water flow through OPWS' facilities shall immediately give the OPWS written notice of the nature of the change.

SECTION 3. SPECIAL INFORMATION REQUIRED ON FORMS

A. Bill for Service

The following language will be printed on each bill for service in substantially the following language:

"All charges are due and payable when presented. Prompt payment at the Oak Park Water Service ("OPWS") office located at 1001 Partridge Drive #150, Ventura, CA 93003-0704 is required. For Customer convenience, there is an OPWS drop box located at the UPS Store at 638 Lindero Canyon Road, Oak Park. There is no other authorized paying station. Payments may be made by mail; however, it is the Customer's responsibility to see that his/her payment reaches the Oak Park Water Service office on time. Charges will become delinquent if payment is not received within 25 days of the billing date. Any balance carried forward to the following (second) billing will incur a 10% late payment penalty. Service will be discontinued if payment is not received within 45 days after the billing date of the original statement.

If the outstanding balance is carried forward to a third billing, an additional 1.5% penalty will be incurred on all outstanding charges, including any unpaid late payment fees. Such penalty shall continue thereafter at 1.5% per month on the outstanding balance until the entire amount is paid.

Questions regarding charges should be addressed to Oak Park Water Service staff at (800) 613-0901. If a satisfactory explanation is not received and charges are still questioned, the Customer should, in accordance with policies and procedures adopted by OPWS, contact the OPWS Director of Finance at 1001 Partridge Drive, Suite 150, Ventura, CA 93003-0704."

In accordance with the policies and procedures established by this Ordinance, the Director of Finance will review issues related to any disputed bill. Any other concerns regarding OPWS water service other than disputed bills should be addressed directly to the General Manager or Board of Directors at 1001 Partridge Drive, Suite 150, Ventura, CA 93003-0704.

B. Penalty/Discontinuance of Service Notice

Monthly bills (no balance carried forward) will be blue in color and have substantially the following message printed on the front of the bill:

"Payment must be received no later than the 19th of the month this bill is issued to avoid late fees."

Accounts that have an outstanding balance will receive a red bill for the outstanding balance plus the current month's charges with substantially the following message printed on the front of the bill:

"ATTENTION! Outstanding balance and current charges must be received by MM/DD/YY to avoid \$30 Shut-off Notice fee and to prevent service interruption. NO FURTHER NOTICE WILL BE GIVEN."

SECTION 4. NOTICES

A. Notice to Customers

1. Written Notice

Notice to a Customer will normally be in writing and, depending on the type of notice, will either be delivered or mailed to the Customer's last known address.

2. Exception to Written Notice

In emergencies or when circumstances warrant, OPWS where feasible, will endeavor to promptly notify the Customer affected and may make such notification orally, either in person or by telephone.

3. Notice of Discontinuance of Service

- a. OPWS shall post in a conspicuous location at the Premises, a Notice of Discontinuance of service at least 48 hours prior to discontinuation.
- b. For Disabled Customers who have properly notified OPWS in accordance with this Ordinance, OPWS shall provide at least 48 hours' Notice of Discontinuance by telephone or in person. For these Customers, if personal contact cannot be made, a Notice of Discontinuance of service shall be posted in a conspicuous location at the service address at least 48 hours prior to discontinuance.
- c. OPWS procedures for discontinuance and restoration of service are outlined in further detail in this Ordinance.

B. Notice from Customers

1. A Customer may give notice to OPWS in person, by telephone or by letter. Letters may be addressed as follows: Oak Park Water Service, 1001 Partridge Drive, Suite 150, Ventura, CA 93003-0704. Notice may also be given in writing directly to an authorized representative of OPWS.
2. Prior to being eligible for any special notice considerations set forth in this Ordinance related to a Customer's status as Disabled, the Customer must present OPWS with documentation substantiating to the satisfaction of OPWS the Customer's disabled status.
3. Disabled Customers who desire that notifications from OPWS be sent to a third-party must, in addition to other applicable requirements set forth in this Ordinance, provide OPWS with a letter signed by both the Customer and the third-party authorizing the third-party to receive said notifications. Receipt of a Customer's notifications by a

third-party shall not relieve the Customer from financial responsibility for the provision of water service by OPWS.

SECTION 5. PROVISION AND PAYMENT OF BILLS

A. Provision of Bills

Bills for water service will be provided by OPWS to each Customer on a monthly basis, unless otherwise provided in the current Ordinance governing the OPWS rate schedule.

1. Metered Service

- a. Meters will be read on the 11th day of each month for the preparation of periodic bills, and as required for the preparation of opening bills, closing bills, and special bills.
- b. It may not always be practicable to read meters at intervals which will result in billing periods of an equal number of days.
 - 1) Should a monthly billing period contain less than 28 days or more than 32 days a pro rata correction in the amount of the bill will be made.
 - 2) For billing periods other than monthly, adjustments will be made proportionate to that for a monthly billing period.
- c. Bills for metered service will show at least the reading of the meter at the end of the period for which the bill is rendered, the meter constant, if any, the number and kinds of units, and the date of the current meter reading.
- d. Each meter on a Customer's premises will be considered separately and the readings of two or more meters will not be combined, except where combination of meter readings is specifically provided for in the applicable rate schedule, or where operating convenience or necessity requires OPWS to use more than one meter or a battery of meters. In the latter case, the monthly minimum or readiness-to-serve charge will be prorated from the monthly minimum or readiness-to-serve charge of the applicable rate schedule upon the basis of a meter size equivalent in diameter to the combined discharge areas of such meters.

2. Deposit

Deposits are required on all new Customer accounts at the start of service as prescribed in the District's fee schedule. Deposits are due upon application. Such deposit will appear on the Customer's first billing. Regardless of the foregoing, OPWS may contractually negotiate a deposit amount with a given Customer that differs from that set forth in the District's fee schedule, where a different deposit amount is in the best interest of OPWS. In lieu of deposits, a Customer may obtain a letter from a utility company stating that the Customer has been in good standing with the utility company for twelve consecutive months. Customers will have fourteen days to provide the utility company letter to the OPWS.

a. Application of Deposit

- 1) Except as otherwise provided in this Ordinance or by a contract entered into between OPWS and a Customer, where a Customer's has timely paid for water service for twelve consecutive months, the Customer's deposit shall either be credited to the Customer's account or, if the Customer requests a direct refund in writing, refunded to the Customer in the form of check.
- 2) The initial deposit shall be returned to the Customer in the form of a credit to the Customer's account provided OPWS receives within fourteen days from the start of service the utility company letter stating the Customer has been in good standing in paying their bills on time with the utility company for twelve consecutive months.

b. Deposit for Service Disconnection

If it becomes necessary to disconnect the service of any Customer because of recurring nonpayment of bills, then such Customer shall be required to pay a deposit as stated in the District's fee schedule and will escalate based on the amount of the billing. After twelve months' consecutive timely payment of bills, said deposit shall be credited to the next bill.

c. Refund of Deposit

Upon discontinuance of service, all deposits that have not been returned or credited will be applied to the Customer's closing bill and the excess, if any, will be returned to the person in whose name the original deposit was made. If the amount to be returned is less than one dollar, no refund will be made except upon written request.

d. Abandoned Deposits

Where a Customer moves from the OPWS service area without leaving a forwarding address and, in doing so, abandons a deposit with OPWS, OPWS shall dispose of that abandoned deposit in accordance with applicable law.

e. Deposit for Customers with an Outstanding Balance

Previous Customers whose accounts were forwarded to collections will be required to pay off their balance prior to receiving new water service. Additionally, these Customers will be charged two times (2x) the current deposit rate and be subject to an administrative fee. The deposit and fees will be required prior to receiving new water service.

4. Proration of Bills

The charges applicable to opening periods, closing bills and bills rendered for periods corresponding to less than 28 days or more than 32 days for monthly billing periods will be computed as follows:

a. Metered Service

The amount of minimum charge (and the quantity allowed therefore) or the readiness-to-serve charge and the quantity in each of several quantity rate blocks will be prorated on the basis of the ratio of the number of days in the period to the number of days in an average billing period. The measured quantity of usage will be applied to such prorated amounts and quantities.

b. Average Billing Period

The number of days in an average billing period is defined as 365 days divided by the number of billing periods in one year (30.4 days for a monthly billing period).

B. Payment of Bills

All charges are due and payable when presented. Payments may be made by mail; however, it is the Customer's responsibility to see that his/her payment reaches the OPWS office on time. Other payment options available include the following:

1. Online payment using credit card or e-check.
2. Phone payment using credit card or e-check.
3. Automatic debit from Customer's checking account.
4. Drop box located at the UPS Store at 638 Lindero Canyon Road, Oak Park.
5. OPWS office located at 1001 Partridge Drive, #150, Ventura, CA 93003-0704.

Customers may call the District office or visit the District website for additional information.

C. Late Payment Penalty

Monthly bills for service will be considered past due if payment is not received within 25 days of the billing date. A 10% late payment penalty will be applied to the balance due at the time of the next (second) billing. Should the balance not be received before the subsequent (third) regular billing, an additional 1.5% late payment penalty will be applied to all outstanding charges (including unpaid late payment penalties) and continue each month thereafter until the balance is paid in full.

D. Alternative Payment Agreements

The General Manager of the District may agree to alternative payment schedules designed to assist Customers in avoiding discontinuance of service; however, late payment penalties will be assessed in accordance with this Ordinance, and may not be waived by any agreement for an alternative payment schedule. Alternative payment agreements must be made in advance of service interruption and may extend for up to six months. In all cases, current charges must be paid in full each month along with the full amount set forth in the alternative payment agreement as well as any late payment penalties assessed. Such payments must be received by OPWS within 25 days after each bill is mailed to avoid discontinuance of service.

E. Rental Property Payment Liability

Water bills are sent to the owner (or tenant) of the property served and he/she shall be responsible for payment. The current owner of a property shall be responsible for payment of all unpaid fees and charges not collected, or collectable, from the applicant, tenant or occupant on the parcel. If more than one occupant or tenant on a parcel of property is served, then OPWS shall render a single bill to the property owner. In the event of nonpayment, the property owner shall be liable for payment.

F. Automatic Fire Sprinkler Service Connections

If water is used through an automatic fire sprinkler service connection for any purpose other than the extinguishing of fires or a related purpose, the District shall charge the Tier 3 metered water rate for all water used, or following notification to the Ventura County Fire Department, the District may shut off the entire supply of water to the premises through such service connection.

All automatic fire sprinkler service connections shall be equipped with a backflow prevention device at the expense of the Customer.

G. Miscellaneous Charges

OPWS shall collect charges for work performed or for damages incurred. The charges shall be based on the costs incurred including an amount for overhead as set by OPWS and are as follows:

1. Charges to change the size of a meter or the location of the meter.
2. Charges to replace a damaged meter box where the party responsible for the damage is known.
3. Charges to replace meter box covers if requested by a Customer or damaged by the Customer.
4. Charges for damage to fire hydrants or any other public water facilities where the responsible party is known. The damage can be either accidental or a result of tampering. The responsible party shall be charged for the costs of repairs plus the cost for any water lost or consumed. Unless the charges are paid within the specified time period, the District may discontinue water service to the Customer and/or bring legal action for collection.

SECTION 6. DISPUTED BILLS

A. Correctness of Bill

Any Customer who has either initiated a bill dispute with OPWS or requested an investigation by OPWS within five days of receiving a bill shall be given an opportunity for review of such complaint or investigation by the OPWS Director of Finance. The review shall be accordance with the rules and procedures set forth in this Ordinance.

B. Notice of Deposit to Avoid Discontinuance

If an explanation satisfactory to the Customer is not made by the OPWS Director of Finance and the bill is not paid by Customer within 25 days after its presentation or at the time the

explanation, whichever is longer, OPWS will notify the Customer in writing substantially as follows:

“To avoid discontinuance of service, in lieu of paying the bill in question, a residential Customer within 15 days and a non-residential Customer within 7 days of the date of this notice, must deposit with the OPWS Director of Finance, 1001 Partridge Drive, Suite 150, Ventura, CA 93003-0704, the amount of the bill claimed by OPWS to be due.”

C. Oak Park Water Service Director of Finance Review

When a Customer disputes an OPWS bill, the following shall apply:

1. To avoid discontinuance of service, in lieu of paying the disputed bill, the Customer shall deposit with the Oak Park Water Service Director of Finance at 1001 Partridge Drive, Suite 150, Ventura, CA 93003-0704, the amount claimed by OPWS to be due.
2. Checks or other forms of remittance for such deposit should be made payable to OPWS and should be accompanied with the bill in question and a statement setting forth the basis for the dispute of the amount of the bill.
3. Upon receipt of the deposit, the Director of Finance will review the basis of the billed amount, and will advise both parties of its findings and disburse the deposit in accordance therewith.
4. Service will not be discontinued for nonpayment of the disputed bill when deposit has been made with the Director of Finance pending the outcome of the Director of Finance's review.
5. Failure of the Customer to make such deposit prior to the expiration of the discontinuance of service notice as given in Section 7B (Discontinuance of Service by OPWS) will warrant discontinuance of service.
6. If before completion of the Director of Finance's review, additional bills become due which the Customer wishes to dispute, he/she shall also deposit with the Director of Finance the additional amounts claimed by OPWS to be due and failure to do so will warrant discontinuance of his/her service in accordance with Section 7B (Discontinuance of Service by OPWS).

D. Water Leaks

OPWS is not responsible for water losses due to leaks (i.e., a break in the service line on the property owner's side of the meter). The Customer shall maintain the water system on their side of the meter to avoid leaks and shall repair leaks promptly.

Adjustments may be made by the General Manager once every five years per account where there is an unusually high water usage due to either unexplained causes or a leak within the Customer's property. In order to be considered for an adjustment, documentation must be provided to OPWS proving that the leak repairs have been completed. Documentation may be a copy of the repair invoice. If approved by OPWS, adjustments will be made within 2 billing cycles (60 days).

E. Meter Testing

If a water meter fails to register during any period, or is known to register inaccurately, the Customer's usage will be based on historical data including seasonal variation.

Any Customer may request that the meter through which potable water is being furnished be examined and tested by the OPWS for the purpose of ascertaining whether it is correctly registering the amount of water being delivered through it. Such request shall be made in writing (per OPWS Meter Replacement Request form) and shall be accompanied by a deposit equal to the charge for removal of the old meter, testing of the old meter, installation of the new meter, and any other associated costs, as determined by the OPWS. Upon receipt of such request and deposit, the OPWS will have the meter examined and tested (by a third party) and, if the test results indicate the meter registers outside tolerances established by AWWA Guidelines (i.e., meter registers more water than the amount that actually passes through it), the meter shall be replaced, the deposit shall be returned, and the water bill for the current month will be adjusted accordingly. If the test results indicate the meter registers within tolerances established by AWWA Guidelines, the deposit shall be retained by the District to offset the expense for meter testing, replacement, and associated costs. The test results shall be sent to the Customer.

SECTION 7. DISCONTINUANCE AND RESTORATION OF SERVICE

A. Discontinuance of Service by Customer

1. A Customer may have service discontinued by giving not less than two days' advance notice thereof to OPWS. Charges for service may be required to be paid until the requested date of discontinuance or such later date as will provide not less than the required two days' advance notice.
2. When such notice is not given, the Customer will be required to pay for service until two days after OPWS has knowledge the Customer has vacated the Premises or otherwise had discontinued water service.

B. Discontinuance of Service by OPWS

1. Nonpayment of Bills

- a. Monthly bills will be considered past due if payment is not received within 25 days of the billing date.
- b. An outstanding balance shall appear on the subsequent monthly bill as a "Previous Balance". The bill shall clearly state "ATTENTION! Outstanding balance and current charges must be received by MM/DD/YY to avoid \$30 Shut-off Notice fee and to prevent service interruption. NO FURTHER NOTICE WILL BE GIVEN." The service interruption date shall be no earlier than twelve (12) days and no later than twenty-one (21) days from the bill date shown on the past due notice.
- c. Any Customer, residential as well as nonresidential, who has initiated a billing dispute or requested an investigation of a bill as required by this Ordinance or who has, before discontinuance of service, made a request for extension of the payment period of a bill asserted to be beyond the means of the Customer to pay in full within the normal period for payment, shall not have residential water service discontinued for nonpayment during the pendency of an investigation by OPWS of such Customer complaint or request and shall be given an

opportunity for review of the complaint; investigation, or request by the OPWS General Manager (or designee). The review shall include consideration of whether or not a residential Customer shall be permitted to make installment payments of the unpaid balance of the delinquent account over a reasonable period of time, not to exceed 6 (six) months. Such service shall not be discontinued for nonpayment for any Customer complying with an alternative payment agreement entered into with OPWS, provided the Customer also keeps current his/her account for water service as charges accrue in each subsequent billing period. If a residential Customer fails to comply with an alternative payment agreement, OPWS will give a 10-day discontinuance of service notice before discontinuing such service, but such notice shall not entitle the Customer to further investigation by OPWS.

- d. Service to a residential water Customer will not be discontinued for nonpayment when the Customer has previously established to the satisfaction of OPWS that:
 - 1) The Customer is Disabled, or upon certification of a licensed physician or surgeon that to discontinue water will be life threatening to the Customer; and
 - 2) The Customer is willing to enter into an alternative payment agreement satisfactory to OPWS, over a period not to exceed 6 (six) months, including arrangements for prompt payment of subsequent bills.

However, service may be discontinued to any Customer who does not comply with an alternative payment agreement or keep current his/her account for water service as charges accrue in each subsequent billing period.

- e. A Customer's residential service may be discontinued for nonpayment of a bill for residential service previously rendered him/her at any location served by OPWS. A nonresidential service may be discontinued for nonpayment of a bill for residential as well as nonresidential service previously rendered the Customer at any location served by OPWS.

The discontinuance of service notice as set forth in paragraph (b) will be given in both cases stated above before discontinuance of services takes place. Residential service will not, however, be discontinued for nonpayment of bills for separate nonresidential service.

- f. Service will not be discontinued by reason of delinquency in payment for service on any Saturday, Sunday, legal holiday, or at any time during which the businesses offices of OPWS are not open to the public.
- g. Whenever OPWS furnishes water service through a master meter, or furnishes individually metered service in a single-family dwelling, multiunit residential structure, mobile home park, or farm labor camp and the owner, manager, or farm employer is the Customer of record, OPWS shall make every good effort to inform the actual users of the services, by means of written notice, when the account is in arrears, that service will be terminated in 10 days. The written notice shall further inform the actual users that they have the right to become Customers of OPWS without being required to pay the amount due on the delinquent account without being required to pay the amount due on the

delinquent account. The notice shall be in English and in the following languages: Spanish, Chinese, Tagalog, Vietnamese and Korean.

- 1) OPWS is not required to make service available to actual users unless each actual user agrees to the terms and conditions of service, and meets the requirements of OPWS rules and regulations. However, if one or more actual users are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of OPWS, or if there is a physical means, legally available to OPWS, of selective terminating service to those actual users who have not met the requirement of OPWS rules and regulations, OPWS shall make service available to the actual users who have met those requirements.
 - 2) If prior service for a period of time is condition for establishing credit with OPWS, residence and proof of prompt payment of rent for that period of time is the satisfactory equivalent.
- h. Where a Customer of OPWS who owns a given Premises requests that OPWS terminate water service to that Premises, OPWS may, upon termination of service, directly contract with a lawful occupant(s) of the Premises for the provision of water service. The contract between OPWS and lawful occupant(s) of the Premises shall be on terms and conditions mutually agreed upon by OPWS and the occupant(s) in accordance with applicable law.
- i. A reasonable attempt must be made by OPWS to personally contact an adult person on the residential Customer's premises either by telephone, in person, or by mail delivery, at least 48 hours prior to discontinuance. For Disabled residential Customers, OPWS shall provide at least 48 hours' notice by telephone or in person. For these Customers, if telephone or personal contact cannot be made, a notice of discontinuance of service shall be posted in a conspicuous location at the service address at least 48 hours prior to discontinuance.
- j. Residential Customer's Remedies upon Receipt of Discontinuance Notice
- 1) If upon receipt of a discontinuance notice, a residential Customer is unable to pay, he/she must contact OPWS within the time stated to make payment arrangements to avoid discontinuance of service.
 - 2) If the residential Customer is already on a payment plan and alleges to the OPWS an inability to pay he/she should write to the OPWS General Manager (or designee) to request a consideration. This action must be taken within the 10-day discontinuance of service notice period.
 - 3) The OPWS General Manager's (or designee's) resolution of the matter will be reported to OPWS and the residential Customer within ten business days after receipt of the request for consideration. If the Customer is not satisfied with such resolution, he/she must file, within ten business day after the date of the OPWS General Manager's (or designee's) letter, a formal complaint with the Triunfo Sanitation District Board of Directors.

- 4) Failure of the residential or nonresidential Customer to observe these time limits shall result in OPWS's demand of payment, or upon failure to pay, to discontinue the Customer's service.

2. Noncompliance with Rules

OPWS may discontinue service to any Customer for violation of the following rules after it has given the Customer at least five days' written notice of such intention, during which time the Customer shall have the option to comply or appeal to the OPWS General Manager (or designee).

Where safety of water supply is endangered, OPWS water service may be discontinued immediately without notice.

3. Waste of Water

Where negligent or wasteful use of water exists on a Customer's premises, OPWS may discontinue the service if such practices are not remedied within five days after it has given the Customer written notice to such effect.

4. Unsafe Apparatus or Where Service is Detrimental or Damaging to OPWS or its Customers

If an unsafe or hazardous condition is found to exist on the Customer's Premises, or the use of water thereon by apparatus, appliances, equipment or otherwise is found to be an immediate threat to the health and safety of OPWS or its Customers, the water service to that Premises may be shut off without notice to the Customer. OPWS will notify the Customer immediately of the reasons for the discontinuance and the corrective action to be taken by the Customer before service can be restored.

5. Fraudulent Use of Service, Diversion of Service and Tampering

When OPWS has discovered that a Customer has obtained service by fraudulent means, diverted the water service for unauthorized use or tampered with OPWS facilities in any manner, the service to that Customer may be discontinued without notice to the Customer. OPWS will not restore service to such Customer until that Customer has complied with all rules and regulation of OPWS and OPWS has been reimbursed for the full amount of the service rendered and the actual cost to OPWS incurred by reason of the fraudulent use.

C. Restoration of Service

1. Premise Visit/Reconnection Charges

Where service has been discontinued for violation of these rules or for nonpayment of bills, OPWS may charge Premise visit and/or reconnection fees pursuant to the most recent Ordinance adopted by the District Board of Directors for the reconnection of service. OPWS shall require payment of the outstanding balance, the current balance, and all other charges due on the account prior to the restoration of water service.

2. Reconnection during Regular Working Hours

OPWS will endeavor to make reconnection during regular working hours on the day of the request, if conditions permit; otherwise, reconnection will be made on the regular working day following the day the request is made.

3. Reconnection during other than Regular Working Hours

When a Customer has requested that the reconnection be made at other than regular business hours, OPWS will reasonably endeavor to so make the reconnection if practicable under the circumstances.

4. Wrongful Discontinuance

A service wrongfully discontinued by OPWS shall be restored as soon as possible (within 24 hours at the most) without charge to the Customer for the restoration.

D. Refusal to Serve

1. Conditions for Refusal

OPWS may refuse to serve an Applicant for service under any one or a combination of the following conditions:

- a. If the Applicant fails to comply with any of the rules and regulations as passed by the District Board of Directors.
- b. If the intended use of the service is of such a nature that it will immediately threaten the health and safety of existing OPWS Customers or OPWS facilities.
- c. If, in the judgment of OPWS, the Applicant's installation for utilizing the service is unsafe or hazardous, or of such nature that satisfactory service cannot be rendered.
- d. Where service has been discontinued for fraudulent use, diversion of use or tampering with OPWS facilities in any manner, OPWS will not serve an Applicant until it has determined that all conditions resulting in service discontinuance have been corrected.

2. Notification to Customers

When an Applicant is refused service under the provisions of this rule, OPWS will notify the applicant promptly of the reason for the service refusal and of the right of Applicant to appeal the OPWS decision to the OPWS General Manager (or designee).

SECTION 8. INFORMATION AVAILABLE TO PUBLIC

A. General Information

OPWS will maintain, open for public inspection at its office, pertinent information regarding the service rendered, including the following:

1. Characteristics of Water

A written description of the quality of the water to be furnished and the extent of water delivered.

2. Rates and Rules

A copy of the regulation schedules consisting of rates, general rules of OPWS, service area maps and forms of contracts and applications applicable to the territory served from that office.

3. Reading Meters

Information about method of reading meters.

4. Meter Readings

The past two years of meter readings for meters serving a Customer's Premises.

B. Rates and Option Rules

OPWS will explain to every Applicant for service the rate schedule which is applicable.

C. New or Revised Rates

In accordance with applicable law, OPWS will provide notice to all OPWS Customers regarding the establishment of new or revised service rates, fees and charges.

SECTION 9. CONTINUITY OF SERVICE

A. Emergency Interruptions

1. OPWS shall make all reasonable efforts to prevent interruptions to service and, when such interruptions occur, shall endeavor to re-establish service with the shortest possible delay consistent with the safety of its Customers and the general public.
2. Where an emergency interruption of service affects the service to any public fire protection device OPWS will promptly endeavor to notify the Fire Chief or other public official responsible for fire protection of such interruption and of subsequent restoration of normal service.

B. Scheduled Interruptions

1. Whenever OPWS finds it necessary to schedule an interruption to its service, it shall, where feasible, notify all Customers to be affected by the interruption, stating the approximate time and anticipated duration of the interruption. Scheduled interruptions will be made at such hours as will provide least inconvenience to the Customers consistent with reasonable utility operations.
2. Where public fire protection is provided by the mains affected by the interruptions, OPWS will promptly endeavor to notify the Fire Chief or other officials responsible for fire protection, stating the approximate time and anticipated duration of the interruption. In addition, the Fire Chief or other official responsible for fire protection will be notified promptly upon restoration of services.

C. Apportionment of Supply During Times of Shortage

During times of threatened or actual water shortage, OPWS will apportion its available water supply among its Customers as directed by the Triunfo Sanitation District Board of Directors. In

the absence of Board direction, it will apportion the supply in the manner that appears most equitable under circumstances then prevailing, and with due regard to public health and safety.

ARTICLE III. MISCELLANEOUS

SECTION 1. 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 2. 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-93.

SECTION 3. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days from the date of adoption.

PASSED, APPROVED AND ADOPTED this 26th day of November 2018 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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TRIUNFO SANITATION DISTRICT

**ORDINANCE NO. TSD-301 (Adopted 11/26/18)
ESTABLISHING POLICIES AND PROCEDURES FOR
WATER CONSERVATION**

WHEREAS, a reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of the southern California region;

WHEREAS, Southern California is a semi-arid region and is largely dependent upon imported water supplies. A growing population, environmental concerns and other factors in other parts of the State and western United States, make the region highly susceptible to water supply reliability issues;

WHEREAS, careful water management that includes active water conservation measures not only in times of drought, but at all times, is essential to ensure reliable minimum supply of water to meet current and future water supply needs;

WHEREAS, Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof;

WHEREAS, California Water Code Section 375 et seq. requires water suppliers to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies;

WHEREAS, California Water Code section 350 et seq. authorizes any public entity, including a special district, to declare a water shortage emergency and, upon declaration of that emergency, adopt regulations and restrictions on the delivery and consumption of water in order to conserve water resources during the period of the emergency and until the supply of water available for distribution by the suppliers has been replenished or augmented;

WHEREAS, the adoption and enforcement of water conservation and supply shortage program is necessary to manage the District's potable water supply in the short- and long-term and to avoid or minimize the impacts of drought and shortage within the District. Such a program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare; and

WHEREAS, based upon the above findings, the District's legal counsel advises, and the Board finds, that actions taken pursuant to this ordinance are categorically exempt from CEQA according to 14 California Code of Regulations 15301 and 15307.

NOW, THEREFORE, the Board hereby ordains as follows:

SECTION 1. SHORT TITLE

This Ordinance shall be known as the TSD Water Conservation Ordinance.

SECTION 2. DEFINITIONS

The following words and phrases whenever used in this ordinance shall have the meaning defined in this section:

- a. "Account" means a District record that identifies the meters through which water is served to a particular property, the name of the person requesting the service, the location of the property and the person responsible for payment. Each such Account is identified by an account number.
- b. "District" or "TSD" means the Triunfo Sanitation District.
- c. "Landscape Irrigation System" means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system.
- d. "Person" means any human being, corporation, public or private entity, governmental agency or institution or any other user of water provided by the District.
- e. "Potable Water" means water which is suitable for drinking.
- f. "Recycled Water" means as defined in Title 22, Chapter 4 of the California Administrative Code, water which, as a result of tertiary treatment of domestic and industrial wastewater, is suitable for a district beneficial use or a controlled use that otherwise would not occur.

SECTION 3. APPLICATION OF ORDINANCE

- A. The provisions of this ordinance apply to any person in the use of any potable water provided by the District.
- B. The provisions of this ordinance do not apply to uses of water necessary to protect public health and safety or for essential government services, such as police, fire and other similar emergency services.
- C. The provisions of this ordinance do not apply to the use of recycled water.
- D. The provisions of this ordinance do not apply to the use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops or other vegetation intended for commercial sale.
- E. This ordinance is intended solely to further the conservation of water. It is not intended to implement any provision of federal, state, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any state based ordinances and stormwater management plans.

SECTION 4. PERMANENT WATER CONSERVATION REQUIREMENTS

The following water conservation requirements are effective at all times and shall be permanent. Violation of this section shall be considered waste and an unreasonable use of water.

- A. **Watering Hours:** Watering or irrigation of lawn, landscape or other vegetated area with potable water is prohibited between the hours of 9:00 a.m. and 5:00 p.m. on any day except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, or for very short periods for the express purpose of adjusting or repairing an irrigation system.
- B. **Watering Duration:** Limit irrigation system watering to no more than 15 minutes per day per station. This does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than 2 gallons of water per hour and weather based controllers or stream rotor sprinklers that meet a 70% efficiency standard.
- C. **Run-Off:** Application of water to outdoor landscapes in a manner that causes more than incidental runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures is prohibited.
- D. **Washing Vehicles:** Use of a hose that dispenses water to wash a motor vehicle is prohibited, except where a hose is fitted with a shut off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.
- E. **Driveways and Sidewalks:** Application of potable water directly to driveways and sidewalks is prohibited.
- F. **Ornamental Fountains and Decorative Water Features:** Use of potable water in an ornamental fountain or other decorative water feature is prohibited, except where the water is part of a recirculating system or the fountain is registered on the National Register of Historic Places.
- G. **Rain Events:** Application of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one-fourth of one inch of rain is prohibited.
- H. **Eating/Drinking Establishments:** Serving of drinking water other than upon request in an eating or drinking establishment is prohibited during a period for which the Governor has issued a proclamation of a state of emergency based on drought conditions. Establishments include restaurants, hotels, cafes, cafeterias, bars or other public places where food or drink are served or purchased.
- I. **Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing, distribution, or irrigation system must be repaired within five (5) days of observation and notification by the District.

SECTION 5. STAGE 1 WATER SUPPLY SHORTAGE

A. Stage 1

A Stage 1 Water Supply Shortage condition exists when the Board of Directors determines, in its sole discretion, that due to drought or other supply reductions, a consumer demand reduction is required in order to ensure that sufficient supplies will be available to meet anticipated demands. Upon the declaration of a Stage 1 Water Supply Shortage condition, the District shall implement the mandatory Stage 1 conservation measures identified in this section. These

requirements are in addition to the water conservation items stated under PERMANENT WATER CONSERVATION REQUIREMENTS.

B. Stage 1 Water Conservation Measures

The following water conservation requirements apply during a declared Stage 1 Water Supply Shortage:

1. **Watering Days:** Watering or irrigation of lawn, landscape or other vegetated area with potable water is limited to 3 days per week. During the months of November through March, watering or irrigation of lawn, landscape or other vegetated area with potable water is limited to no more than 1 day per week. This provision does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than 2 gallons of water per hour. This provision does not apply to use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, or for very short periods for the express purpose of adjusting or repairing an irrigation system.
2. **Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing, distribution, or irrigation system must be repaired within seventy two (72) hours of observation and notification by the District.
3. **Recycled Water Use for Construction:** Use only recycled water for construction site dust control, consolidation of backfill, if available.
4. **Other Prohibited Uses:** The Board of Directors may implement other prohibited water uses as determined by the District after notice to customers.

SECTION 6. STAGE 2 WATER SUPPLY SHORTAGE

A. Stage 2

Water Supply Shortage condition exists when the Board of Directors determines, in its sole discretion, that due to drought or other supply reductions a consumer demand reduction is required in order to ensure that sufficient supplies will be available to meet anticipated demands. Upon the declaration of a Stage 2 Water Supply Shortage condition, the District shall implement the mandatory Stage 2 conservation measures identified in this section.

B. Stage 2 Water Conservation Measures

In addition to the prohibited uses of water identified under STAGE 1 WATER SUPPLY SHORTAGE, the following additional water conservation requirements apply during a declared Stage 2 Water Supply Shortage:

1. **Watering:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is restricted in accordance with the allotments in the latest version of the Triunfo Sanitation District Oak Park Water Shortage Contingency Plan (Water Shortage Contingency Plan). Watering or irrigation of lawn, landscape or other vegetated area with potable water is limited to 2 days per week. During the months of November through March, watering or irrigation of lawn, landscape or other vegetated area with potable water is limited to no more than 1 day per week. This

provision does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than 2 gallons of water per hour. This provision does not apply to use of a hand-held bucket or similar container, or for very short periods for the express purpose of adjusting or repairing an irrigation system.

2. **Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing, distribution, or irrigation system must be repaired within forty eight (48) hours of observation and notification by the District.
3. **Ornamental Fountains and Decorative Water Features:** No filling, cleaning and/or refilling of decorative fountains, ornamental lakes or ponds except to the extent needed to sustain aquatic life, provided that such animals have been actively managed within the water feature prior to declaration of this supply shortage stage.
4. **Washing Vehicles:** Residential car washing prohibited. Use car washes available with water recycling systems.
5. **Pools:** The filling of any new or existing residential pools or outdoor spas is prohibited.
6. **New Grass:** Planting of new turf grass is prohibited.
7. **Mist Coolers:** Outdoor evaporative mist coolers are prohibited.
8. **Line Flushing:** Main line flushing is allowed for emergency purposes only.
9. **Other Prohibited Uses:** The District may implement other prohibited water uses as determined by the Board of Directors, after notice to Customers.

C. Water Allocations/Water Budget

The District will implement the water allocation plan in the most recent Water Shortage Contingency Plan for residential customers. The District must provide notice of the allocation by including it in the regular billing statement to which the District customarily mails the billing statements for on-going water service. Penalties will be levied on Accounts that exceed their water allocation.

SECTION 7. STAGE 3 WATER SUPPLY SHORTAGE

A. Stage 3

Water Supply Shortage condition is also referred to as an "Emergency" condition. A Stage 3 Water Supply Shortage condition exists when the Board of Directors declares a water shortage emergency in a manner and upon the grounds set forth in California Water Code Section 350 et seq.

Upon the declaration of a Stage 3 Water Supply Shortage condition pursuant to California Water Code Section 350 et seq., the District will implement the mandatory Stage 3 conservation measures identified in this section.

B. Stage 3 Water Conservation Measures

In addition to the prohibited uses of water identified under STAGE 2 WATER SUPPLY SHORTAGE, the following water conservation requirements apply during a declared Stage 3 Water Supply Shortage Emergency:

1. **Watering:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is restricted in accordance with the allotments in the Water Shortage Contingency Plan for residential customers. This restriction does not apply to the use of recycled water or to the following categories of use, subject to Section 9 (Health and Safety Waiver):
 - a. Maintenance of existing landscape necessary for fire protection;
 - b. Maintenance of existing landscape for soil erosion control;
 - c. Maintenance of plant materials identified to be rare or essential to the well-being of protected species;
 - d. Maintenance of landscape within active public parks and playing fields, daycare centers, golf course greens, and school grounds, provided that such irrigation does not exceed 2 days per week;
 - e. Actively irrigated environmental mitigation projects.
2. **Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing, distribution, or irrigation system must be repaired within twenty four (24) hours of observation and notification by the District.
3. **Other Prohibited Uses:** The District may implement other prohibited water uses as determined by the Board of Directors, after notifying customers.

C. Water Allocations/Water Budget

The District will implement the water allocation plan in the most recent Water Shortage Contingency Plan for residential customers. The District must provide notice of the allocation by including it in the regular billing statement to which the District customarily mails the billing statements for on-going water service. Penalties will be levied on Accounts that exceed their water allocation.

SECTION 8. PROCEDURES FOR DETERMINATION/NOTIFICATION OF WATER SUPPLY SHORTAGE

A. Determination And Notification Of Stage 1 or 2 Water Supply Shortage

The existence of a Stage 1 or Stage 2 Water Supply Shortage condition will be declared by resolution of the Board adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation measures applicable to Stage 1 and Stage 2 Water Supply Shortage conditions, respectively, shall take effect on the tenth day after the date the shortage condition is declared. Within five days following the declaration of the shortage

condition, the District shall publish a copy of the resolution once in a newspaper used for publication of official notices.

If the Board of Directors establishes a water allocation, the District shall provide notice of the allocation by including it in the regular billing statement or by another mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. A water allocation shall be effective on the fifth day following the date of mailing or at such later date as specified in the notice.

B. Determination And Notification Of Stage 3 Water Supply Shortage

The existence of a Stage 3 Water Supply Shortage condition may be declared in accordance with the requirements and procedures specified in California Water Code Section 350 et seq.

The mandatory conservation measures applicable to a Stage 3 Water Supply Shortage condition shall take effect immediately upon the Board of Directors declaration of a "Water Shortage Emergency" pursuant to California Water Code Section 350 et seq. As soon as practicable following the Board's declaration of a "Water Shortage Emergency," the District shall publish a copy of the declaration once in a newspaper used for publication of official notices.

If the Board of Directors establishes a water allocation, the District shall provide notice of the allocation by including it in the regular billing statement or by another mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. A water allocation shall be effective on the fifth day following the date of mailing or at such later date as specified in the notice.

SECTION 9. HEALTH AND SAFETY WAIVER

A. Threat to Health and Safety

If a specific requirement of this ordinance would directly and negatively impact the health and safety of a water user permanently residing on property subject to this ordinance, then the property owner may apply for a waiver of the requirements of this ordinance as provided in this section.

B. Written Finding

The waiver may be granted or conditionally granted to the property owner only upon a written finding by the General Manager of the existence of facts demonstrating a direct, negative impact on the health and safety of the water user.

1. **Application:** Application for a health and safety waiver shall be on a form prescribed by the District and shall be accompanied by a non-refundable processing fee in an amount set by resolution of the Board.
2. **Supporting Documentation:** The application must include factual evidence demonstrating that the enforcement of the specific requirements of this ordinance will result in a direct and negative impact on the health and safety of a water user permanently residing on the property due to unique circumstances specific to that water user. That evidence may include a statement from a licensed California health professional or other licensed California professional qualified to evaluate the health and safety threats of this ordinance on the water user.

3. **Required Findings for Health or Safety Waiver:** An application for a health and safety waiver shall be denied unless the appropriate authority finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the District or its agent, all of the following:
 - a. That the health and safety waiver does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses;
 - b. That because of special circumstances applicable to the water user, the strict application of this ordinance to the property owner would directly and negatively impact the health or safety of the water user; and,
 - c. That the authorizing of such waiver will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the District to effectuate the purpose of this ordinance and will not be detrimental to the public interest.
4. **Approval Authority:** The General Manager (or designee) shall exercise approval authority and act upon any completed application no later than ten (10) days after submittal and may approve, conditionally approve, or deny an application for a health and safety waiver. The property owner requesting the health and safety waiver shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a health and safety waiver is approved, the health and safety waiver applies to the subject property during the term of the mandatory water supply shortage condition.
5. **Appeals to the Board:** An applicant can appeal a decision or condition of the General Manager on a health and safety waiver application to the TSD Board within 10 days of the decision upon written request to the Clerk of the Board for a hearing. The request shall state the grounds for the appeal. At a public meeting, the TSD Board shall act as the approval authority and review the appeal following the regular waiver procedure. The decision of the TSD Board is final.

SECTION 10. FINES AND PENALTIES

A. Misdemeanor

Any violation of District ordinances may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days, or by a fine not exceeding one thousand dollars (\$1,000), or by both.

B. Fines

Fines for failure to comply with the water conservation measures in the ordinance shall be as follows:

Violation	Permanent & Stage 1 Fines	Stage 2 and Stage 3 Fines
1 st	Courtesy door hanger describing violation will be issued and a copy of this ordinance will be mailed	Fine not greater than \$100
2 nd within preceding 12 months	Fine not greater than \$100	Fine not greater than \$200
3 rd within preceding 12 months	Fine not greater than \$150	Fine not greater than \$250
4 th within preceding 12 months	Fine not greater than \$200	Fine not greater than \$350
5 th and subsequent violation within preceding 12 months	Fine not greater than \$250	Fine not greater than \$500

A fifth and subsequent violation is punishable not only with a fine, but also the following:

1. Water Flow Restrictor (Applies to Permanent and Stages 1-3): The District may install a water flow restrictor device of approximately one gallon per minute capacity for services up to one and one-half inch size and competitively sized restrictors for larger services after written notice of intent from the General Manager to install a restrictor for a minimum of forty-eight (48) hours.
2. Termination of Service (Applies to Stages 2-3): The District may disconnect and/or terminate a customer's water service.

C. Penalties for Excessive Consumption

Excessive water use penalties will be charged in addition to the regular fee structure based on total consumption. If an Account uses more water during any Monthly Billing Cycle than has been allocated to that Account, such excess use shall constitute a violation of this Ordinance, and the penalty rates for excessive consumption is as follows:

Excess Water Charge 1	Excess Water Charge 2	Excess Water Charge 3
0 - <6 HCF	6 - <11 HCF	11+ HCF
Penalty based on 1X Tier 1 water rate	Penalty based on 2X Tier 2 water rate	Penalty based on 3X Tier 3 water rate

Hundred Cubic Feet (HCF) = 100 cubic feet of water = 748 gallons

In addition to the penalty rates, any Account exceeding their allocation four times in any twelve month period may result in the District installing a water flow restrictor device. An Account can request removal of the flow restrictor device following three months of water allocation compliance. Removal requests must be made in writing and addressed to the General Manager, Triunfo Sanitation District, 1001 Partridge Drive, Suite 150, Ventura, California, 93003-0704.

D. Cost of Flow Restrictor and Disconnecting Service

A person or entity that violates this ordinance is responsible for payment of the District charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per the District's schedule of charges, then in effect as a charge for installing and/or removing any flow restricting device shall be paid to the District before the device is removed. Nonpayment shall be subject to the same schedules as nonpayment of basic water rates.

E. Separate Offenses

The District provides a 10-day period from the date on the notice of violation in which a violation may be appealed. No further notice of violation for the same offense will be issued during this time. If the appeal is received within this 10-day period, no further action will be taken pending notification of the District's final determination. If the appeal is not received within this 10-day period then the violation stands.

F. Appeals to the Board

An applicant can appeal a decision of the General Manager on a violation to the TSD Board within 10 days of the decision upon written request to the Clerk of the Board for a hearing. The request shall state the grounds for the appeal. At a public meeting, the TSD Board shall act as the approval authority and review the appeal following the regular appeal procedure. The decision of the TSD Board is final.

SECTION 11. 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 12. 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-66 and TSD-92.

SECTION 13. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days from the date of adoption.

PASSED, APPROVED AND ADOPTED this 26th day of November 2018 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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TRIUNFO SANITATION DISTRICT

**ORDINANCE NO. TSD-350 (Adopted 11/26/18)
PRESCRIBING FEES AND CHARGES FOR POTABLE WATER FOR
OAK PARK WATER 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 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 No. TSD-350 (“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, 2019, the Calleguas Municipal Water District (“Calleguas”) wholesale supply rate will increase from \$1,375 per acre-foot to \$1,423 per acre-foot, a \$48 per acre-foot increase equivalent to \$0.11 per hundred cubic feet (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, 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 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 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 TSD 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 "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 3. FEES AND CHARGES

The following fees and charges are hereby prescribed:

A. Monthly Service Charge

Meter Size	Current FY 2019	Proposed FY 2020	Proposed FY 2021
3/4"	\$28.87	\$29.74	\$29.74
1"	\$45.57	\$46.94	\$46.94
1-1/2"	\$87.36	\$89.99	\$89.99
2"	\$137.51	\$141.64	\$141.64
3"	\$296.31	\$305.20	\$305.20
4"	\$530.32	\$546.23	\$546.23
6"	\$1,173.87	\$1,209.09	\$1,209.09

B. Quantity Rate for Potable Water

Tier	Monthly Use	Current Rate FY 2019	Rate Beginning January 2019 Billing Period	Proposed FY 2020	Proposed FY 2021
1	0-7 HCF	\$6.05	\$6.16	\$6.34	\$6.34
2	>7-28 HCF	\$6.89	\$7.00	\$7.20	\$7.20
3	>28 HCF	\$8.47	\$8.58	\$8.83	\$8.83

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, 2019 and the end of Fiscal Year 2018-2019 further increases or decreases in its potable water wholesale rate.

C. Automatic Fire Sprinkler Monthly Service Charge

Meter Size	Current FY2019	Proposed FY 2020	Proposed FY 2021
3/4"	\$28.87	\$29.74	\$29.74

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 2019
3/4"	\$4,827
1"	\$8,061
1-1/2"	\$16,073
2"	\$25,727
3"	\$56,329
4"	\$101,363
6"	\$225,267

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. Projects that require technical review: \$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

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 ½” Meter	\$100.00
New Customer Deposit - 2” Meter	\$150.00
New Customer Deposit over 2” Meter	\$200.00
Shut off/Turn on/etc.) - Regular Business Hours	\$30.00 each
(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)	\$75.00
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 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-99.

SECTION 8. EFFECTIVE DATE

Effective for the District's January 2019 billing period, the rates and charges billed by the District for all potable water use shall be as set forth in this Ordinance.

PASSED, APPROVED AND ADOPTED this 26th day of November 2018 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

TRIUNFO SANITATION DISTRICT
ORDINANCE NO. TSD-400 (Adopted 11/26/18)
ESTABLISHING POLICIES AND PROCEDURES FOR
RECYCLED WATER SERVICE
OWNED AND OPERATED BY TRIUNFO SANITATION DISTRICT

WHEREAS, the Triunfo Sanitation District (“District”) is duly organized and established under California Health and Safety Code Section 4700 et seq., known and cited as the “County Sanitation District Act” (“Act”); and

WHEREAS, Section 4744 of the Act authorizes the District to sell recycled water to its Customers from the operation of a wastewater treatment plant (Tapia Water Reclamation Facility); and

WHEREAS, the District provides recycled water services to certain Customers and, in accordance with applicable law, charges those Customers certain fees designed to cover the District’s wholesale purchase of recycled water from the Joint Powers Authority, as well as operating and maintenance expenses associated with the District’s provision of recycled water service; and

WHEREAS, Health and Safety Code Section 4766 authorizes the District to adopt ordinances for the purpose of exercise and effect of any to its powers, or for the purposes for which it is formed, including, without limitation, an ordinance establishing policies and procedures for the District’s sale of recycled water; and

WHEREAS, the District Board of Directors desires to establish policies and procedures for the District’s sale of recycled water and to repeal all prior ordinances or portions of ordinances that may be in conflict with those newly established policies and procedures; and

WHEREAS, this ordinance was available for public inspection and review ten (10) days prior to a public hearing and notice of the public hearing was given in compliance with applicable law; and

WHEREAS, after hearing a staff presentation, considering the testimony received at the public hearing and discussion of the issues, the Board of Directors concludes that the policies and procedures should be adopted in the best interest of the District, and those Customers served by the District; and

WHEREAS, this action to adopt this Ordinance is a project subject to review under the California Environmental Quality Act (“CEQA”) (Public Resource Code Section 21000 et seq.); and

WHEREAS, Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) and Section 15321 (Enforcement Actions by Regulatory Agencies) of the State CEQA Guidelines (Chapter 3 of Division 6 of Title 14 of the California Code of Regulations) provide Categorical Exemptions from CEQA. Section 15308 exempts actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Section 15321 categorically exempts actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other

entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency.

NOW, THEREFORE, the Board hereby ordains as follows:

SECTION 1. SHORT TITLE

This Ordinance shall be known as the TSD Recycled Water Policy 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. "Applicant" means the person, association, corporation, or governmental agency applying for recycled water service.
- b. "Automatic System" in reference to landscape irrigation systems, includes automatic controllers, valves, and associated equipment required for the programming of effective water application rates when using recycled water.
- c. "Board of Directors" or "Board" means the TSD Board of Directors.
- d. "Cross Connection" means any unprotected connection between any part of a water system used or intended to supply water for drinking purposes and any source or system containing recycled water or any other auxiliary water supply that is not or cannot be approved as safe, wholesome and potable for human consumption.
- e. "Customer" means any person, association, corporation, governmental agency, firm, or company of record receiving recycled water service from the District.
- f. "Design Area" means the specific land area designated to be irrigated through on-site facilities when used in reference to landscape sprinkler irrigation systems.
- g. "District" or "TSD" means the Triunfo Sanitation District.
- h. "Joint Venture" means the Triunfo Sanitation District and the Las Virgenes Municipal Water District acting as partners.
- i. "Off-site Facilities" means facilities under control of the District, including recycled water pipelines, reservoirs, pumping stations, manholes, valve connections, treatment facilities and other appurtenances and property up to the point of connection with the Customer's facilities. For recycled water service, the offsite facilities shall be those upstream of the District's meter and the meter box.
- j. "On-site Facilities" means facilities under the control of the applicant, owner or Customer including but not limited to residential or commercial landscape irrigation systems, and agricultural irrigation system. For recycled water service, the on-site facilities shall be those downstream of the District's meter.
- k. "On-Site Recycled Water Supervisor" means a qualified person designated by a recycled water applicant and approved by the District. This person shall be knowledgeable in the

construction and operation of irrigation systems and in the application of the guidelines, criteria, standards and rules and regulations governing the proper use of recycled water.

- I. "Recycled Water" means as defined in Title 22, Chapter 4 of the California Administrative Code, water which, as a result of tertiary treatment of domestic and industrial wastewater, is suitable for a district beneficial use or a controlled use that otherwise would not occur.

- m. "Service Connection" means the piping necessary to conduct recycled water from the District's recycled water main to the particular property designated in the application for recycled water service including the meter, meter box, valves and piping equipment within the meter box.

SECTION 3. GENERAL PROVISIONS

A. Application of Ordinance

This Ordinance is intended to provide for the use, maintenance, installation and construction of all recycled water facilities hereinafter installed, altered, or repaired within the District. This Ordinance shall have no retroactive effect.

B. Relief on Application

When any person, due to special circumstances, considers any provision of this Ordinance to be unjust or inequitable as applied to his premises, he may make a written application to the Board requesting a variance of the provision in this ordinance. Such application shall state the special circumstances and the pertinent provision shall be cited. The Board may make a motion to grant a variance or modification to the provision complained of, said suspension or modification to be effective as to the date of the application, and to be continued during the period of such special circumstances.

C. Relief on Own Motion

The District, on its own motion, may find, due to special circumstances, that a provision of this Ordinance should be suspended or modified as applied to particular premises. It may make a motion to order suspension or modification to all or part of such premises during the period of such special circumstances.

D. District Inspector

The District may employ a qualified person or persons to inspect the installation, connection, maintenance and use of all recycled water facilities in connection with said District.

SECTION 4. RECYCLED WATER SERVICE CHARGE

A recycled water service charge shall be paid to the District in accordance with the District's fee ordinance or resolution.

It is the policy of the Board to set the rate for retail recycled water at no greater than 90% of the Oak Park Water Service Tier 1 potable water rate.

SECTION 5. DESCRIPTION OF SERVICE

A. Quantities

The District will endeavor to supply recycled water dependably and safely and in adequate quantities to meet Customers' reasonable needs and requirements. The District will not be liable for interruptions of service, shortage, or inadequacy of supply.

B. Pressures

The District will endeavor to maintain adequate service pressures as further defined in the County of Ventura Public Works Water Design and Construction Standards to those properties located within the water system. In the event that any Customer or the District deems that the pressure is inadequate, then the Customer shall furnish and maintain at his expense whatever devices are necessary to boost the pressure for his premises. In the event water pressure are deemed to be excessive by either the Customer or the District, then the Customer shall furnish and maintain at his own expense such devices as may be required to protect his plumbing and/or to reduce the pressures.

The District shall not be responsible for maintenance of water pressure at all times nor maintenance of water pressure for Customers located at high elevations beyond normal District water pressure.

C. Quality

Recycled water provided by the District is a tertiary treated, Title 22 compliant, recycled water that meets or exceeds the water quality requirements set forth by the California Department of Public Health. Though not intended for direct human consumption, it is safe for human contact and is suitable to irrigate parks, golf courses, roadway landscapes, commercial properties and multi-family landscapes.

SECTION 6. CONDITIONS OF SERVICE

A. General

1. General

The District currently provides recycled water to a number of Customers. All new Service Connection requests will be evaluated on a case by case basis. If service conditions for the recycled water service is agreeable to both the District and the Applicant, a service contract will be drafted and entered into by the two parties. The agreement, will include conditions and a term limit for the recycled water service. All costs for the recycled water service including but not limited to the following: meter charge, cost of construction, etc., will be the responsibility of the requester.

2. General Requirements – Permitted Uses

- a. The uses of recycled water may include, but are not limited to landscape irrigation, agricultural irrigation, industrial process water and recreational impoundment. Each such use must be considered for approval by the District on a case-by-case basis, and the District may determine in its discretion whether it is necessary or desirable to furnish recycled water for the specific use involved. Determination as to specific uses to be allowed shall be in

accordance with the standards of treatment and water quality requirements set forth in the California Administrative Code. Prior to approving such uses, the District may, in its discretion, set forth specific requirements as conditions to providing such services and/or require specific proper approval from the appropriate regulatory agencies.

- b. Recycled water may be used for common area landscape irrigation provided such use is controlled by the District, or another party other than the Customer, through a monitoring program of areas under irrigation, and provided further:
 - 1) The design and construction of the irrigation system shall be approved by the District; and
 - 2) The owner and operator of the system obtains an approval to receive such water and use it only for approved purposes.

3. Size, Location and Installation of Service Line

The District reserves the right to approve the size of the service lines, the Service Connections and the meters and shall also have the right to approve the of backflow protection devices for recycled water service, in accordance herewith, and any and all other appurtenances to the service. The service lines shall be installed to a curb or property line of the Customer's property, abutting upon a public street, highway, alley, easement, lane or road (other than a freeway) in which is installed recycled water mains in the District.

- a. The District reserves the right to limit the area of land to be supplied by one Service Connection to one ownership. A Service Connection shall not be used to supply adjoining property of a different owner.
- b. When property provided with a Service Connection is subdivided, such connection shall be considered as serving the lot or parcel of land that it directly or first enters. Additional mains and/or recycled water service lines will be required for all subdivided areas in accordance with this Ordinance.
- c. All recycled water used on any premises where a meter is installed must pass through the meter. Customers shall be held responsible and charged for all recycled water passing through their meters.
- d. Every recycled water service line installed by the District shall be equipped with a curb stop or wheel valve on the inlet side of the meter; such valve or curb stop being intended exclusively for the use of the District in controlling the recycled water supply through the service line. If the curb stop or wheel valve is damaged by the Customer's use to an extent requiring replacement, such replacement shall be at the Customer's expense.

4. Relocation of Recycled Water Service Line

Should a service line installed pursuant to the request of the Applicant, owner or Customer be of the wrong size or installed at a wrong location, the cost of relocation shall be paid by the Applicant, owner or Customer. All services provided prior to final street improvements shall be considered temporary and the costs for all repairs or changes required to be performed by the District shall be paid by the Applicant, owner or Customer.

5. Scheduling Recycled Water

The District reserves the right to control and schedule the use of recycled water if, in the opinion of the District, scheduling is necessary for purposes including, but not limited to, the maintenance of an acceptable working pressure in the recycled water system and providing for reasonable safeguards in relation to public health.

6. Emergency Connections to Recycled Water System

If, in the opinion of the District, an emergency exists whereby recycled water is not available, the District may approve a temporary connection to the potable water system. Before such temporary connection is made, the portion of the recycled water system without recycled water shall be isolated from the rest of the recycled water system by an approved backflow prevention device, or devices, of the type determined in accordance herewith, and shall be installed on the potable water line or lines in accordance with this Ordinance, and any and all applicable rules and regulations of the State and local health departments. This emergency connection, or connections, shall be removed before connection so re-established to the remainder of the recycled water system.

B. Extension of Facilities

1. General

All off-site recycled water facilities and all on-site recycled water facilities shall be designed and constructed according to the requirements, conditions, and standards as adopted and revised by the Board from time to time, which documents are on file at the office of the District, and by this reference are incorporated herein. The recycled water system, including both off-site and on-site facilities, shall be separate and independent of any potable water system.

2. On-Site Recycled Water Facilities

- a) Any on-site recycled water facility shall be provided by the Applicant, owner or Customer at the Applicant's expense. The Applicant, owner or Customer shall retain title to all such on-site facilities.
- b) On-site facilities, in addition to conforming to applicable District guidelines, shall conform to all governing codes, rules and regulations.
- c) Plans and specifications and record drawings, in accordance with District requirements, shall be prepared and submitted to the District for on-site facilities. Plans and specifications must be approved by the District prior to commencing construction. When the facilities are being converted from potable to recycled water and record drawings are not available, testing and a schematic plan may substitute for construction drawings.
- d) If required, irrigation schedules must be prepared and approved in accordance with the above referenced specifications. Prior to commencement of service to any on-site system using recycled water, record drawings shall be provided and approved and the installed system shall be tested under active conditions to ensure that the operation is in accordance with this Ordinance.

SECTION 7. CONTINUATION OF SERVICE

A. Usage

1. Facilities Operations: Onsite Facilities

- a. The operation and maintenance of on-site recycled water distribution facilities are the responsibility of the Applicant, owner or Customer.
- b. The operations and maintenance of all on-site recycled water system facilities, including but not limited to landscape irrigation systems, agricultural irrigation systems, systems utilized in relation to use of recycled water for industrial process or construction purposes, or recreational impoundment systems using the District's recycled water shall be under the management of an "on-site Recycled Water Supervisor" designated by the Applicant, owner or Customer and approved by the District. The District may, from time to time, require that an "on-site Recycled Water Supervisor" obtain instruction in the use of recycled water, such instruction being provided by or approved by the District.
- c. The District shall monitor and inspect the entire recycled water system, including on-site and off-site facilities, and for these purposes shall have the right to enter upon the Customer's premises during reasonable hours or any time in the event of an emergency, such as break in the system causing a hazard to life or property. Where necessary, keys and/or combinations shall be issued to the District to provide such access.
- d. The Applicant, owner or Customer shall have the following responsibilities in relation to operation of on-site facilities:
 - 1) To make sure that all operations personnel are trained and familiarized with the use of recycled water.
 - 2) To furnish their operations personnel with maintenance instruction, irrigation schedules and record drawings for schematic drawings, in the case of a conversion from potable to recycled water use, to ensure proper operation in accordance with the on-site facilities design and this Ordinance.
 - 3) To prepare and submit to the District one (1) set of record drawings.
 - 4) To notify the District of any and all updates or proposed changes, modifications or additions to the on-site facilities, which changes shall be approved by the District and shall be designed and constructed according to the requirements, conditions and standards set forth in the District's "Guidelines of Recycled Water Facilities" and set forth in this Ordinance. In accordance with the above referenced requirements, conditions and standards, changes must be submitted to the District for plan check and approval prior to construction. The construction shall be inspected by the District, and revised record drawings and controller charts shall be approved by the District. The District may, if it deems such to be in the best interest of the District, waive or modify any of the foregoing.

- 5) To ensure that the recycled water facilities remain in accordance with this Ordinance.
- 6) To operate and control the system in order to prevent direct human consumption of recycled water and to control and limit runoff. The Applicant, owner or Customer shall be responsible for any and all subsequent uses of the recycled water. Operation and control measures to be utilized in this regard shall include, where appropriate, but not be limited to the following:
 - a) On-site facilities shall be operated to prevent or minimize discharge into areas not under control of the Customer. Part circle sprinklers shall be used adjacent to sidewalks, roadways and property lines to confine the discharge from sprinklers to the design area;
 - b) The operation of the on-site facilities shall be during the periods of minimal public use of the service area. Allow a maximum dry-out time before the service area will be used by the public.
 - c) Recycled water shall be applied at a rate that does not exceed the infiltration rate of the soil. Where varying soil types are present, the design and operation of the on-site facilities shall be compatible with the lowest infiltration rate present.
 - d) To prevent runoff and ponding, automatic systems shall be utilized and programmed to prevent or minimize the ponding and runoff of recycled water. The sprinkler system shall not be allowed to operate for a time longer than the landscape's water requirement. If runoff occurs before the landscape's water requirements are met, the automatic controls shall be reprogrammed to lessen watering cycles to meet the requirements. This method of operation is intended to control and limit runoff; and
 - e) To report to the District any and all failures in their system that cause an unauthorized discharge of recycled water.
- 7) To comply with any and all applicable Federal, State and local statutes, ordinances, regulations, contracts, these rules and regulations and all requirements prescribed by the District. In the event of violation, all charges and penalties shall be applied and collected.

2. Water Leaks

The District is not responsible for water losses due to leaks (i.e., a break in the service line on the property owner's side of the meter). The Customer shall maintain the water system on their side of the meter to avoid leaks and shall repair leaks promptly.

Adjustments may be made by the General Manager once every five years per account where there is an unusually high water usage due to either unexplained causes or a leak within the Customer's property. In order to be considered for an adjustment, documentation must be provided to the District proving that the leak repairs have been completed. Documentation may be a copy of the repair invoice. If approved by the District, adjustments will be made within 2 billing cycles (60 days).

3. Meter Testing

If a water meter fails to register during any period, or is known to register inaccurately, the Customer's usage will be based on historical data including seasonal variation.

Any Customer may request that the meter through which recycled water is being furnished be examined and tested by the District for the purpose of ascertaining whether it is correctly registering the amount of water being delivered through it. Such request shall be made in writing (per District Meter Replacement Request form) and shall be accompanied by a deposit equal to the charge for removal of the old meter, testing of the old meter, installation of the new meter, and any other associated costs, as determined by the District. Upon receipt of such request and deposit, the District will have the meter examined and tested (by a third party) and, if the test results indicate the meter registers outside tolerances established by AWWA Guidelines (i.e., meter registers more recycled water than the amount that actually passes through it), the meter shall be replaced, the deposit shall be returned, and the recycled water bill for the current month will be adjusted accordingly. If the test results indicate the meter registers within tolerances established by AWWA Guidelines, the deposit shall be retained by the District to offset the expense for meter testing, replacement, and associated costs. The test results shall be sent to the Customer.

B. Protective Measures

1. Cross Connection Prevention: General

The purpose of these provisions is to protect the potable water supply against actual or potential cross-connection by isolating within the premises, contamination or pollution that may occur because of some undiscovered or unauthorized cross-connection in the premises, and to prevent cross-connections from occurring in the future, in accordance with Title 17, Chapter 5, Section 7583-7622, of the California Administrative Code. These provisions shall be in addition to and not in lieu of the controls and requirements of other regulatory agencies, such as local governmental agencies and local and State health departments. These regulations are intended to protect the potable water supply and are not intended to provide regulatory measures for protection of users from the hazards of cross-connections within their own premises.

Backflow prevention devices, on the potable water service to the premises, as required in these provisions, shall be provided by the Applicant, owner or Customer at his expense. Such devices shall be owned and maintained by the Applicant.

2. Inspection of Protective Devices

The Customer shall have the backflow prevention devices inspected at least once a year, or more often in those instances where successive inspections indicate repeated failure. All inspections and testing shall be performed by a tester certified by the local health department. These devices shall be repaired, overhauled, or replaced at the expense of the water user whenever they are found to be defective. Records of all such tests, repairs, and overhauls shall be maintained on a list and made available to the local health department. Nothing contained herein shall relieve a potable water Customer from the duty to install, test and maintain backflow prevention devices.

3. Marking of Exposed Potable and Non-Potable Water Lines

Where the premises contain dual or multiple water systems and piping, the exposed portions for recycled water pipelines shall be painted, banded or marked at sufficient intervals. All outlets from secondary or other potentially contaminated systems shall be posted as being contaminated and unsafe for drinking purposes.

4. On-site Recycled Water Supervisor

The District, who in turn will notify the local and State Health Departments and the Regional Water Quality Control Board, shall be kept informed of the identity of the person responsible for the water piping on all premises concerned with these regulations. At each premise where it is necessary in the opinion of the regulatory agency and/or the District, a Recycled Water Supervisory shall be designated who shall be responsible for the installation and the use of pipelines and equipment and for the prevention of cross-connections.

In the event of contamination or pollution of the drinking water system due to a cross-connection on the premises, the local health officer and the District shall be promptly advised by the person responsible for the water system so that appropriate measures may be taken to overcome the contamination or pollution.

SECTION 8. ENFORCEMENT

A. Violation

Any person found to be in violation of any provision of this or other Ordinance of the District, shall be served with written notice by the District or other authorized representative. Such written notice shall state the nature of the violation and provide reasonable time limit for correction thereof. Said time limit shall not be less than two (2) nor more than seven (7) working days. Within the time period stated in the notice, all violations shall permanently cease. All persons shall be strictly liable for the acts of their agents and employees performed under the provisions of this or any other Ordinance or Rules & Regulations of the District. Upon notification by the District of any defect arising in any recycled water system, or notification of any violation of this Ordinance, corrections shall immediately be effected by the person or persons in charge of said work.

B. Disconnection

The alternate method of enforcing the provisions of this or any other Ordinance or Rules & Regulations of the District, shall be as follows: The District shall have the power to disconnect the user or subdivision recycled water system from the recycled water mains of the District. Upon disconnection, the District shall estimate the cost of disconnection and reconnection. Such user shall deposit said estimated cost prior to reconnection to the system. The District shall refund any part of the deposit remaining after payment of the aforementioned costs.

SECTION 9. MISCELLANEOUS PROVISIONS

A. Protection from Damage

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which constitutes a

part of the District recycled water system. Any person in violation of this provision shall be subject to the penalties provided by law.

B. Authority of Inspectors

The officers, inspectors, General Manager, or any other duly authorized employee of the District, shall wear or carry an official badge of office, or other evidence, which establishes his position as such. Upon the exhibition of proper credentials and identification, he shall be permitted to enter into residential, commercial, institutional and industrial facilities for the purposes of inspection, observation, measurement, sampling, testing, or otherwise performing the necessary duties pursuant to the enforcement of the provisions of this or any other Ordinance or Rules & Regulations of the District.

C. Owner's Responsibility

The owner shall be responsible for installing, maintaining, and replacement of the recycled water system downstream of the District's meter.

SECTION 10. 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 11. 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-30, TSD-31, TSD-36, TSD-50 and TSD-76 (Rev 1/22/2018).

SECTION 12. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days from the date of adoption.

PASSED, APPROVED AND ADOPTED this 26th day of November 2018 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

TRIUNFO SANITATION DISTRICT

ORDINANCE NO. TSD-450 (Adopted 11/26/18) 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 District’s service area and charges these customers appropriate service fees designed to cover operating and maintenance expenses associated with the provision of the cost of 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; and

WHEREAS, the District adopted TSD Ordinance No. TSD-400 setting the retail rate for recycled water at not greater than 90% of the Oak Park Water Service Tier 1 potable water rate; and

WHEREAS, the District is under contract with California Water Service and Hidden Valley Municipal Water District to set the wholesale rate charged to them at 80% of the then current Calleguas Municipal Water District’s (Calleguas) Tier 1 wholesale supply rate for potable water (\$1138.40 per acre-foot); and

WHEREAS, effective January 1, 2019, the Calleguas wholesale supply rate for potable water will increase by 3.49% resulting in a similar rate increase to Cal-Water and Hidden Valley. In order to ensure adequate funding for future recycled water capital projects and maintain the historical pricing relationship between District retail potable water rates and retail recycled water rates, the District desires to increase the retail recycled water rate for remaining customers by an equal amount equivalent to \$0.17 per hundred cubic feet (HCF); and

WHEREAS, the proposed increase would result in the retail recycled water rate being increased to 80% of the Oak Park Water Service Tier 1 potable water rate; and

WHEREAS, in accordance with Government Code section 53756, the District will provide written notice to all affected customers in the District prior to the District passing through to those property owners the increase in its retail recycled water rate totaling \$0.17/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 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, 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:

SECTION 1. SHORT TITLE

This Ordinance shall be known as the TSD Recycled 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 TSD Board of Directors.
- b. "Customer" means any person, association, corporation, governmental agency, firm, or company of record receiving recycled water service from the District.
- 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 3. FEES AND CHARGES

The following fees and charges are hereby prescribed:

A. Monthly Service Charge:

Meter Size	Current FY 2019	Proposed FY 2020	Proposed FY 2021
2"	\$149.19	\$153.66	\$153.66
3"	\$279.70	\$288.09	\$288.09
4"	\$466.18	\$480.16	\$480.16
6"	\$932.27	\$960.24	\$960.24

B. Quantity Rate for Recycled Water

Current Rate (per HCF)	Rate Beginning January 2019 Billing Period (per HCF)	Proposed FY 2020 (per HCF)	Proposed FY 2021 (per HCF)
\$4.76	\$4.93	\$5.06	\$5.06

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, 2019 and the end of Fiscal Year 2018-2019 further increases or decreases in its potable water wholesale rate.

C. Processing, Planning and Inspection 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: \$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

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-97 (Rev 1/22/18).

SECTION 8. EFFECTIVE DATE

Effective for the District's January 2019 billing period, the rates and charges billed by the District for all retail recycled water use shall be as set forth in this Ordinance.

PASSED, APPROVED AND ADOPTED this 26th day of November 2018 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