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Board of Directors

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May 22, 2023

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

REVISIONS TO ORDINANCE NO. TWSD-350 PRESCRIBING FEES AND CHARGES FOR POTABLE WATER

Summary

The Triunfo Water & Sanitation District (District) Board adopted Ordinance No. TWSD-350 (Adopted 11/28/22) prescribing fees and charges for potable water. This Ordinance stipulates the District's charges and fees for potable water services, including the connection fee. The proposed revisions are an increase in the service connection fee by 4.0% based on the 2022-2023 Construction Cost Index (CCI) and the legal basis for the process for imposing potable water rate increases during drought emergencies as defined within the Urban Water Management Plan (UWMP).

Staff recommends your Board review the proposed changes in charges and fees and direct staff to schedule a public hearing to consider adoption of Ordinance No. TWSD-350 at the June 26, 2023 Board meeting.

Discussion

Ordinance TWSD-350 has provisions for an automatic annual adjustment of the connection fee. The adjustment is based on the March-to-March percentage change in the CCI for the Los Angeles area published in the McGraw-Hill construction weekly magazine titled "ENR", and rounded to the nearest twenty-five dollars (\$25). The Engineering News Record's Construction Index increased 4.0% over last year (2022-2023). The recommended CPI increase sets the connection fees at the amount enumerated in TWSD-350.

Ordinance No. TWSD-350 provides the Board with the flexibility to not adjust the current rates, or approve a lesser increase if desired. Proposition 218 does not apply to this automatic annual adjustment.

Please contact me at (805) 658-4621 or marknorris@trunfowsd.com if you have any questions.

Fiscal Impact

The potential revenue generated from the connection fee increase is not known at this time due to unknown planned connections.


The fiscal impacts for the loss of revenue due to the severe water restrictions are not known at this time and will be monitored and reported back to the Board for further evaluation.

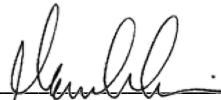
Recommendation

It is recommended the Board:

- A. Conduct the first reading, by title only, of proposed Ordinance No. TWSD-350; and
- B. Schedule a public hearing and Board action on June 26, 2023 to conduct the second reading, by title only, and consider adoption of Ordinance No. TWSD-350 (adopted 6/26/23); and
- C. Direct staff to publish on June 19, 2023, a notice in the Ventura County Star, a newspaper of general circulation published and circulated in the District, providing a summary of this Ordinance and noticing a June 26, 2023, public hearing to consider adoption of said Ordinance; or
- D. Provide staff with direction.

“ORDINANCE NO. TWSD-350 (Adopted 6/26/23) PRESCRIBING FEES AND CHARGES FOR POTABLE WATER PROVIDED BY TRIUNFO WATER & SANITATION DISTRICT”

REVIEWED FOR FISCAL IMPACT: 
Vickie Dragan – Director of Finance

REVIEWED AND APPROVED: 
Mark Norris - General Manager

Attachments: TWSD Ordinance No. TWSD-350 (redline and clean)

TRIUNFO WATER & SANITATION DISTRICT

**ORDINANCE NO. TWSD-350 (Adopted ~~6/26/11/28/232~~)
PRESCRIBING FEES AND CHARGES FOR POTABLE WATER
PROVIDED BY TRIUNFO WATER & SANITATION DISTRICT**

WHEREAS, the Triunfo Water & Sanitation District (“District”) is duly organized and established under the laws of the State of California and, as such, is empowered to impose fees and charges relative to the District’s provision of services to its service area; and

WHEREAS, the District provides retail potable water service to its customers and charges these customers appropriate service fees and charges designed to cover operating and maintenance expenses associated with the provision of the services; and

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

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

WHEREAS, in accordance with the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 through 53756) the District has adopted a schedule of potable water rates that authorizes automatic adjustments that pass-through increase in the wholesale cost of potable water, as calculated per hundred cubic feet of water (HCF); and

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

WHEREAS, the District has complied with all applicable requirements set forth in Article XIII D of the California Constitution (enacted by Proposition 218, November 5, 1996 Statewide election); and

WHEREAS, a 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 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 TWSD Potable Water Fee and Charge Ordinance.

SECTION 2. DEFINITIONS

The following words as used in this Ordinance shall have the meanings set forth below unless otherwise apparent in the context in which they are used:

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

SECTION 3. FEES AND CHARGES

The following fees and charges are hereby prescribed:

A. Monthly Service Charge

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

B. Quantity Rate for Potable Water

Tier	Monthly Use	Rate FY 2022 (per HCF)	Current Rate FY 2023 (per HCF)	Rate Effective 1/1/23 (per HCF)	Rate FY 2024 (per HCF)	Rate FY 2025 (per HCF)
1	0-7 HCF	\$7.46	\$7.90	\$8.07	\$8.38	\$8.71
2	>7-28 HCF	\$8.42	\$8.92	\$9.09	\$9.44	\$9.81
3	>28 HCF	\$10.25	\$10.86	\$11.03	\$11.46	\$11.91

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

C. Automatic Fire Sprinkler Monthly Service Charge

Meter Size	FY 2022	FY 2023	FY 2024	FY2025
3/4"	\$33.43	\$35.44	\$36.86	\$38.34

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

D. Service Connection Fee

Meter Size	FY2023
3/4"	5,625,400
1"	9,350,000
1-1/2"	18,675,950
2"	29,825,28,675
3"	65,375,62,850
4"	117,600,413,075
6"	261,350,251,300

Commencing on July 1, 1990 and continuing thereafter on each July 1, the water connection fee set forth above shall be adjusted by an increment based on the March to March average percentage change in the Construction Cost Index for the Los Angeles area published in the McGraw-Hill construction weekly magazine titled "ENR," and rounded to the nearest twenty-five dollars (\$25). However, the Board may at its sole option determine, by resolution adopted prior thereto, that such adjustment shall not be effective for the next succeeding years, or may determine other amounts as appropriate based upon the capital expenditure needs of the District.

E. Processing, Planning and Inspection Fees

Item	Fee
Application Fee	1. Projects that require only administrative review: \$0 2. All other Projects: \$150
Project Completion Deposit	Projects that require a final audit or inspection: \$1,000
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
Fire flow Testing Fee	Project that require a fire flow test: \$125/hour (\$350 min)

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 Notice/Shut off/Turn on/etc. - Regular Business Hours	\$30.00 each
Shut off Notice/Shut off/Turn on/etc. - After Hours/Weekends	\$325.00 each
Fire Service (Per Inch of Meter Diameter)	\$6.75
Security Deposit – Metered Hydrant Service	\$1,200.00
Security Deposit – Reinstatement after shut off for customers with history of delinquent payment and will escalate based on the amount of the billing (returned after one year if no late fees are applied during the entire period)	\$150.00
Unauthorized Turn on by customer	\$ 75.00
Unauthorized Fire Hydrant Use Penalty (per incident) (Assessment in addition to the cost for repairs plus cost for water lost)	\$ 250.00
Illegal Water Consumption Penalty/Meter Tampering (Note: This fine is not eligible for a payment plan)	\$2,500 (1 st) \$10,000 (2 nd or more)

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.

G. Water Conservation Fines and Penalties

1) 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.

2) Fines

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

Violation	Permanent (Level 1) & Stage 1 (Level 2) Fines	Stage 2 (Level 3) and Stage 3 (Levels 4-6) Fines
First Violation	Written Warning	Fine not greater than \$100
Second Violation within a 12 Month Period	Fine not greater than \$100	Fine not greater than \$200

Third Violation within a 12 Month Period	Fine not greater than \$150	Fine not greater than \$250
Fourth Violation within a 12 Month Period	Fine not greater than \$200	Fine not greater than \$350
Fifth and Subsequent Violations within a 12 Month Period	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 (Level 1) and Stages 1-3 (Levels 2-6): 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 Stage 2 (Level 3) - Stage 3 (Levels 4-6): The District may disconnect and/or terminate a customer's water service.

3) 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 - <7 HCF	7 - <12 HCF	12+ 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.

4) 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.

5) 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.

6) Appeals to the Board

An applicant can appeal a decision of the General Manager on a violation to the TWSD 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 TWSD Board shall act as the approval authority and review the appeal following the regular appeal procedure. The decision of the TWSD Board is final.

7) Rate Increase Structure During Shortage

Recognizing that a time of severe water shortage will have fiscal and social impacts to the Oak Park Community, the District has established measures to alleviate these impacts to the District's potable water customers.

To address the potential fiscal impact locally, the District has adopted a mechanism designed to increase rates as the supply drops and water costs to the District from its supplier begin to rise. This has the dual effect of 1) mitigating the fiscal impact to the District of a water shortage and 2) serving as an incentive to customers to work at conservation efforts.

SECTION 4. FINDINGS

The TWSD Board of Directors finds the foregoing fees and charges are for the purpose of: (1) meeting operating expenses, including but not limited to the District's operations, maintenance and management contract; (2) purchasing or leasing supplies, equipment and materials; (3) meeting financial reserve needs and requirements; (4) obtaining funds for constructing and maintaining water facilities necessary to maintain service within existing service areas; (5) improvements and repairs; and (6) debt service and refunds.

The TWSD Board of Directors further finds that the foregoing fees and charges: (1) do not exceed the funds required to provide the service; (2) are not used for any purpose other than that for which they are imposed; (3) as imposed upon any parcel or person as an incident of property ownership, do not exceed the proportional cost of the service attributable to the parcel; and, (4) are imposed only for service that is actually used by, or immediately available to, the owner of the property in question.

SECTION 5. FEE REVIEW PERIOD

On or about January 1 of each year, the General Manager is hereby empowered and shall review the estimated cost of providing the services described and the impact of any pending or anticipated changes in the service level. The General Manager shall report these findings to the Board of Directors at a duly noticed public hearing and recommend any adjustment to the fees and charges or other action that may be required.

SECTION 6. SEVERABILITY

This Ordinance, except for those portions that are found to be invalid, would remain in full force and effect and continue to be valid. The Board of Directors hereby declares it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application

thereof to any person or circumstance be held invalid.

SECTION 7. REPEAL OF PRIOR INCONSISTENT ORDINANCES

Any prior ordinances or portions of ordinances previously adopted by the District Board of Directors that are in conflict with this Ordinance, are repealed as of the Effective Date of this Ordinance. This includes TWSD-350 (Adopted 6/27/22).

SECTION 8. EFFECTIVE DATE

This Ordinance shall become effective ~~July~~ January 1, 2023.

PASSED, APPROVED AND ADOPTED this ~~26~~²⁸th day of ~~June~~ November 202~~32~~³¹ by the following vote:

AYES:

NOES:

ABSENT:

TRIUNFO WATER & SANITATION DISTRICT

Jane Nye~~Leon Shapiro~~, Chair

ATTESTED:

Fidela Garcia, Clerk of the Board

APPROVED AS TO FORM:

John Mathews, General Counsel

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TRIUNFO WATER & SANITATION DISTRICT

**ORDINANCE NO. TWSD-350 (Adopted 6/26/23)
PRESCRIBING FEES AND CHARGES FOR POTABLE WATER
PROVIDED BY TRIUNFO WATER & SANITATION DISTRICT**

WHEREAS, the Triunfo Water & Sanitation District (“District”) is duly organized and established under the laws of the State of California and, as such, is empowered to impose fees and charges relative to the District’s provision of services to its service area; and

WHEREAS, the District provides retail potable water service to its customers and charges these customers appropriate service fees and charges designed to cover operating and maintenance expenses associated with the provision of the services; and

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

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

WHEREAS, in accordance with the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 through 53756) the District has adopted a schedule of potable water rates that authorizes automatic adjustments that pass-through increase in the wholesale cost of potable water, as calculated per hundred cubic feet of water (HCF); and

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

WHEREAS, the District has complied with all applicable requirements set forth in Article XIII D of the California Constitution (enacted by Proposition 218, November 5, 1996 Statewide election); and

WHEREAS, a 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 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

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2"	29,825
3"	65,375
4"	117,600
6"	261,350

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New Customer Deposit over 2” Meter	\$200.00
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1) Misdemeanor

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2) Fines

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

Violation	Permanent (Level 1) & Stage 1 (Level 2) Fines	Stage 2 (Level 3) and Stage 3 (Levels 4-6) Fines
First Violation	Written Warning	Fine not greater than \$100
Second Violation within a 12 Month Period	Fine not greater than \$100	Fine not greater than \$200

Third Violation within a 12 Month Period	Fine not greater than \$150	Fine not greater than \$250
Fourth Violation within a 12 Month Period	Fine not greater than \$200	Fine not greater than \$350
Fifth and Subsequent Violations within a 12 Month Period	Fine not greater than \$250	Fine not greater than \$500

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2. Termination of Service (Applies to Stage 2 (Level 3) - Stage 3 (Levels 4-6): The District may disconnect and/or terminate a customer's water service.

3) Penalties for Excessive Consumption

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Excess Water Charge 1	Excess Water Charge 2	Excess Water Charge 3
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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

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4) 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.

5) 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.

6) Appeals to the Board

An applicant can appeal a decision of the General Manager on a violation to the TWSD 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 TWSD Board shall act as the approval authority and review the appeal following the regular appeal procedure. The decision of the TWSD Board is final.

7) Rate Increase Structure During Shortage

Recognizing that a time of severe water shortage will have fiscal and social impacts to the Oak Park Community, the District has established measures to alleviate these impacts to the District's potable water customers.

To address the potential fiscal impact locally, the District has adopted a mechanism designed to increase rates as the supply drops and water costs to the District from its supplier begin to rise. This has the dual effect of 1) mitigating the fiscal impact to the District of a water shortage and 2) serving as an incentive to customers to work at conservation efforts.

SECTION 4. FINDINGS

The TWSD Board of Directors finds the foregoing fees and charges are for the purpose of: (1) meeting operating expenses, including but not limited to the District's operations, maintenance and management contract; (2) purchasing or leasing supplies, equipment and materials; (3) meeting financial reserve needs and requirements; (4) obtaining funds for constructing and maintaining water facilities necessary to maintain service within existing service areas; (5) improvements and repairs; and (6) debt service and refunds.

The TWSD Board of Directors further finds that the foregoing fees and charges: (1) do not exceed the funds required to provide the service; (2) are not used for any purpose other than that for which they are imposed; (3) as imposed upon any parcel or person as an incident of property ownership, do not exceed the proportional cost of the service attributable to the parcel; and, (4) are imposed only for service that is actually used by, or immediately available to, the owner of the property in question.

SECTION 5. FEE REVIEW PERIOD

On or about January 1 of each year, the General Manager is hereby empowered and shall review the estimated cost of providing the services described and the impact of any pending or anticipated changes in the service level. The General Manager shall report these findings to the Board of Directors at a duly noticed public hearing and recommend any adjustment to the fees and charges or other action that may be required.

SECTION 6. SEVERABILITY

This Ordinance, except for those portions that are found to be invalid, would remain in full force and effect and continue to be valid. The Board of Directors hereby declares it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application

thereof to any person or circumstance be held invalid.

SECTION 7. REPEAL OF PRIOR INCONSISTENT ORDINANCES

Any prior ordinances or portions of ordinances previously adopted by the District Board of Directors that are in conflict with this Ordinance, are repealed as of the Effective Date of this Ordinance. This includes TWSD-350 (Adopted 6/27/22).

SECTION 8. EFFECTIVE DATE

This Ordinance shall become effective July 1, 2023.

PASSED, APPROVED AND ADOPTED this 26th day of June 2023 by the following vote:

AYES:

NOES:

ABSENT:

TRIUNFO WATER & SANITATION DISTRICT

Jan Nye, Chair

ATTESTED:

Fidela Garcia, Clerk of the Board

APPROVED AS TO FORM:

John Mathews, General Counsel

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