

TRIUNFO WATER & SANITATION DISTRICT

**ORDINANCE NO. TWSD-450 (Adopted 5/18/20)
PRESCRIBING FEES AND CHARGES FOR RECYCLED 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 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 District’s potable water 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; 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; 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 May 7 and May 13, 2020, notices were published in the Ventura County Star, a newspaper of general circulation published and circulated in the District, providing a summary of this Ordinance and noticing a May 18, 2020, 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 TWSD 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 TWSD 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 "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	Current FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
2"	\$153.66	\$154.37	\$157.46	\$160.61	\$163.83	\$167.11
3"	\$288.09	\$289.43	\$295.22	\$301.13	\$307.16	\$313.31
4"	\$480.16	\$482.38	\$492.03	\$501.88	\$511.92	\$522.16
6"	\$960.24	\$964.68	\$983.98	\$1,003.66	\$1,023.74	\$1,044.22

B. Quantity Rate for Recycled Water

Current Rate (per HCF)	Rate FY 2021 (per HCF)	Rate FY 2022 (per HCF)	Rate FY 2023 (per HCF)	Rate FY 2024 (per HCF)	Rate FY 2025 Per HCF)
\$5.23	\$5.26	\$5.37	\$5.48	\$5.59	\$5.71

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, 2020 and the end of Fiscal Year 2020-2021 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. All other Projects: \$150
Project Completion Deposit	Projects that require a final audit or inspection: \$1000
Water Line Plan Check Fee	1. Plan check fee: \$100/sheet 2. Plans resubmitted after change orders: \$100/sheet 3. Subdivision Final Map or Parcel Map Sewer Improvement Plan: \$100/sheet
Water Line Construction Inspection Fee	1. Inspection Fee: \$125/hour (\$350 minimum) 2. Overtime Inspection Fee: \$200/hour

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 recycled 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-450 (Adopted 11/25/2019).

SECTION 8. EFFECTIVE DATE

This Ordinance shall become effective July 1, 2020.

PASSED, APPROVED AND ADOPTED this 18th day of May 2020 by the following vote:

AYES: J. Nye, J. Orkney, L. Shapiro, R. Tjulander, J. Wall

NOES: none

ABSENT: none

TRIUNFO WATER & SANITATION DISTRICT

James Wall

James Wall (May 19, 2020 15:52 PDT)

James Wall, Chair

ATTESTED:

Juliet Rodriguez

Juliet Rodriguez (May 19, 2020 16:16 PDT)

Juliet Rodriguez, Clerk of the Board

APPROVED AS TO FORM:

John Mathews

John m mathews (May 20, 2020 16:56 PDT)

John Mathews, General Counsel