

TRIUNFO SANITATION DISTRICT

ORDINANCE NO. TSD-64 PRESCRIBING FEES AND CHARGES FOR POTABLE WATER SUPPLIED BY THE TRIUNFO SANITATION DISTRICT TO THE OAK PARK WATER SERVICE AREA

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 designed to cover operating and maintenance expenses associated with the provision of the services; and

WHEREAS, the Triunfo Sanitation District contracted with Raftelis Financial Consultants, Inc. in October, 2008 to conduct a comprehensive rate study; and

WHEREAS, on January 1, 2009 the Calleguas Municipal Water District ("CMWD"), the wholesale water supplier to the District, increased its Tier 1 water supply rate from \$657 per acre foot to \$769 per acre foot; and

WHEREAS, the District did not increase its retail potable water rates to its customers in response to the increased cost of providing the service; and

WHEREAS, it was anticipated that CMWD would increase its Tier 1 water supply rate from \$769 per acre foot to \$938 per acre foot on September 1, 2009; and

WHEREAS, the District's rate consultant recommended and the District Board authorized notice of a June 22, 2009 public hearing for a proposed increase in water rates that would result in a customer using 17 HCF of potable water per month to have a water bill that would increase from \$49.35 to \$67.38 (37%); and

WHEREAS, subsequent to the publishing of the notice by the District of the June 22, 2009 public hearing the CMWD took action to delay the September 1, 2009 increase of its Tier 1 rate from \$769 per acre foot to \$938 per acre foot until January 1, 2010; and

WHEREAS, on June 10, 2009 the District Board of Directors took action to reflect the CMWD proposed delay in its Tier 1 increase, by reducing the District rate increase scheduled for public hearing on June 22, 2009; and

WHEREAS, the increase approved by the District Board of Directors on June 10, 2009 will result in an anticipated monthly increase for customer using 17 HCF of potable water from \$49.35 to \$59.72 (21%); 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 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, on June 22 & July 6, 2009, in accordance with Article XIII D of the California Constitution (enacted by Proposition 218, November 6, 1996 Statewide election), a public hearing was held not less than 45 days after mailing notice of the proposed fees and charges prescribed in this Ordinance to the record owners and certain tenants of each identified parcel upon which said proposed fees or charges were to be imposed; 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, at said public hearing the District's Board considered all protests against the proposed fees and charges prescribed by this Ordinance; and

WHEREAS, written protests against the proposed fees or charges prescribed by this Ordinance were not presented by a majority of owners of the identified parcels; and

WHEREAS, on June 29, 2009 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 July 6, 2009 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 OF THE TRIUNFO SANITATION DISTRICT DOES ORDAIN AS FOLLOWS:

Section 1. Short Title. This Ordinance shall be known as the TSD Potable Water Fee and Charge Ordinance, effective with the first full billing cycle after its adoption and may be cited as such.

Section 2. Purpose. The purpose of this Ordinance is to establish fees and charges for the retail potable water services provided by TSD to the Oak Park Service Area as identified below.

Section 3. 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, firm, association, partnership, corporation, or governmental agency supplied or entitled to be supplied with water by the District for compensation.
- 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 4. Fees and Charges. The following fees and charges are hereby prescribed:

a. Monthly Service Charge:

5/8-inch meter	\$ 13.16
3/4-inch meter	\$ 19.74
1-inch meter	\$ 32.91
1 1/2-inch meter	\$ 65.81
2-inch meter	\$ 105.30
3-inch meter	\$ 197.43
4-inch meter	\$ 329.06
6-inch meter	\$ 658.07

b. The Quantity Rate for water furnished shall be:

Number of HCF <u>Furnished</u>	Rate per <u>HCF</u>
0 – 6	\$ 2.46
7 – 28	\$ 3.18
Over 28	\$ 4.14

Section 5. 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 6. Fee Review Period. On or about January 1 of each year, the District 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 District Manager shall report these findings to the Board of Directors at a duly noticed public hearing and recommend any adjustment to this fee or other action that may be required.

Section 7. Effective Date. The Board hereby finds and determines that the public necessity is best served by the timely adoption of this Ordinance. The Ordinance shall take effect with the first full billing cycle after its adoption.

Section 8. Repeal. Ordinance No. TSD-59 is hereby repealed as of the effective date specified in Section 7 above.

PASSED, APPROVED AND ADOPTED this 6th day of July 2009 by the following vote:

AYES: *Glancy, Parks, Paul & Orkney*

NOES: *None*


ABSENT: *Hillette*

TRIUNFO SANITATION DISTRICT



JANNA ORKNEY, Chair
Board of Directors

ATTEST:



RHONDA CATRON
Clerk of the Board