

# TRIUNFO SANITATION DISTRICT

## ORDINANCE NO. TSD-65

### AMENDING ARTICLE V, SECTION 500 OF ORDINANCE NO. TSD-2 IN ITS ENTIRETY AND ESTABLISHING MONTHLY SEWER SERVICE CHARGES FOR FISCAL YEAR 2010

**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 sewer services to its customers and charges these customers appropriate service fees designed to cover operating and maintenance expenses associated with the provision of the services; and

**WHEREAS**, the District has determined that a decrease in monthly sewer service charges will result in sufficient net revenue to cover the aforementioned operating and maintenance expenses during the next fiscal year; and,

**WHEREAS**, on June 10, 2009 and June 17, 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 June 22, 2009 public hearing to consider adoption of this Ordinance prescribing a decrease in monthly sewer service fees; 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 does not increase the District's fees or charges for sewer service and, therefore, is not contingent upon the District's compliance with certain procedural requirements of Article XIII D of the California Constitution (enacted by Proposition 218, November 6, 1996 Statewide election); 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:**

ARTICLE V, Section 500, of Ordinance No. TSD-2 is hereby amended in its entirety to read as follows:

**Section 500 - Sewer Service Charge.** A sewer service charge shall be paid to the District by the District's sewer service customers in accordance with the following schedule:

Category	Use	Monthly Charge per ERU
I	Single Residential, per each residential lot, or separate billing address, whichever is greater.	\$ 41.80

I Multiple Residential, per each Equivalent Residential Unit (ERU), or fraction thereof.\* \$ 41.80

\* 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.

I Apartment, per each apartment unit where each apartment unit shall be considered 80 percent of one (1) ERU.\* \$ 33.44

\* 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.

I Mobile Dwelling Unit, per each mobile dwelling unit where each mobile dwelling unit shall be considered 80 percent of one (1) ERU.\* \$ 33.44

I Trailer Unit, per each trailer unit where each trailer unit shall be considered 50 percent of one (1) ERU. \$ 20.90

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. \$ 41.80

II Shopping centers, when computed per Method B in TSD Rules and Regulations for the Sewage Collection System, per ERU or fraction thereof. \$ 74.22

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. \$ 96.14

IV 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.\* Individual Case

\*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.

V Industrial Waste Charge Permits, Any industrial waste discharge permit may provide special discharge requirements and charges, as determined by the Individual Case

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.”

Section 501. **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 passage of this ordinance does not increase the District’s sewer service fees and charges and, therefore, does not require that the District’s compliance with certain procedural requirements of Article XIII D of the California Constitution (enacted by Proposition 218, November 6, 1996 Statewide election).

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.

Recitals in any ordinance amending Article V of Ordinance No. TSD-2 shall be adopted as findings and incorporated by reference in Article V, Section 501 of Ordinance No. TSD-2.

Section 502. **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 in Ordinance No. TSD-2, Article V 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 503. **Repeal.** Any prior District ordinances or other actions inconsistent with Article V of Ordinance No. TSD-2 as amended by Ordinance No. TSD-65 are hereby repealed.

Section 504. **Effective Date.** Any amendments to Ordinance No. TSD-2, Article V, shall take effect with the first full billing cycle after their adoption.

**PASSED, APPROVED AND ADOPTED** this 22<sup>nd</sup> day of June 2009 by the following vote:

AYES:  
NOES:  
ABSENT:

**TRIUNFO SANITATION DISTRICT**

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JANNA ORKNEY, Chair  
Board of Directors

ATTEST:

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RHONDA CATRON, Clerk of the Board