

TRIUNFO SANITATION DISTRICT

ORDINANCE NO. TSD-68 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. (“Rate Consultant”) in October, 2008 to conduct a comprehensive rate study; and

WHEREAS, the District did not pass-through to its customers a January 1, 2009 increase in Calleguas Municipal Water District’s (“CMWD”) Tier 1 wholesale price of water from \$657 per acre foot to \$769 per acre foot ; and

WHEREAS, in anticipation of an increase in CMWD’s Tier 1 wholesale price of water from \$769 per acre foot to \$938 per acre foot on September 1, 2009, the District was advised by its Rate Consultant to conduct a noticed public hearing on June 22, 2009 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 \$51.76 to \$70.91 (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 agreed that any increase in water rates related to an increase in CMWD’s Tier 1 wholesale water rate from \$769 per acre foot to \$938 per acre foot should be delayed until January 1, 2010 or such time as that wholesale price increase is actually implemented by CMWD; and

WHEREAS, the rate increase approved by the District Board of Directors on June 10, 2009 resulted in an monthly increase for customer using 17 HCF of potable water from \$51.76 to \$62.90 (22%), as opposed to the 37% increase originally proposed; and

WHEREAS, on January 1, 2010 the CMWD Tier 1 rate increased from \$769 to \$938 per acre-foot; 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, 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, in accordance with Government Code section 53756 the District has reserved the right to “pass-through” on the District’s water rates any increases in the wholesale water cost to the District, as calculated per hundred cubic feet of water (HCF); and

WHEREAS, in accordance with Government Code section 53756 the District has provided written notice to all affected property owners prior to passing through any wholesale water rate increase; and

WHEREAS, notices were published in the Ventura County Star and the Acorn, newspapers of general circulation published and circulated in the District, providing a summary of this Ordinance and noticing a January 25, 2010 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 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	\$ 2.85
7 – 28	\$ 3.57
Over 28	\$ 4.53

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 March 2010 billing (immediately following February meter reads).

Section 8. Repeal. Ordinance No. TSD-64 is hereby repealed as of the effective date specified in Section 7 above.

PASSED, APPROVED AND ADOPTED this 25th day of January 2010 by the following vote:

AYES: *Killette, Kloney, Orkney & Paule*

NOES: *Parks*

ABSENT: *none*

TRIUNFO SANITATION DISTRICT

Michael D. Paul

Chair Board of Directors

ATTEST:

Rhonda Catron

RHONDA CATRON

Clerk of the Board