



TRIUNFO SANITATION DISTRICT

A PUBLIC AGENCY

December 14, 2011

Board of Directors
Triunfo Sanitation District
Ventura County, California

MISCELLANEOUS FEES AND CHARGES - ORDINANCE NO. TSD-74

SUMMARY

In addition to Ordinance No. TSD-37 and TSD-42, staff also met with the Triunfo Sanitation District Finance Committee on October 10, November 7, and December 12, 2011, to review Ordinance No. TSD-49, Prescribing Miscellaneous Fees and Charges. Ordinance No. TSD-49 was adopted in June 2000. If approved, Ordinance No. TSD-49 will be replaced by Ordinance No. TSD-74. As you go through the ordinance, deleted words are crossed out and added words are underlined and gray in color. The most significant changes to the ordinance are the required deposit for new customers and changes to the legal language.

If you have any questions, you may reach me at 805 658-4646.

RECOMMENDATION

It is recommended the Board:

- a. Conduct the first reading, by title only, of Ordinance No. TSD-74, Prescribing Miscellaneous Fees and Charges; and
- b. Schedule a public hearing for the January 24, 2012 Triunfo Sanitation District Board Regular Meeting to conduct second reading, by title only, of Ordinance No. TSD-74 and to consider adoption of Ordinance No. TSD-74.

Vickie Dragan
VICKIE DRAGAN – DIRECTOR OF FINANCE

Enc.

APPROVED FOR DECEMBER 19, 2011 AGENDA

Deug Anders
Deug Anders - District Manager

Item B-1

TRIUNFO SANITATION DISTRICT

DRAFT

ORDINANCE NO. TSD-4974
PRESCRIBING MISCELLANEOUS FEES AND CHARGES
FOR SERVICES PROVIDED BY THE TRIUNFO SANITATION DISTRICT

~~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 miscellaneous services to its customers and charges these customers appropriate service fees designed to cover expenses associated with the provision of services; and~~ WHEREAS, Health and Safety Code Section 5471 and Government Code Section 66013 authorize the District to prescribe, revise and collect certain fees, tolls, rates, rentals, or other charges for services and facilities furnished by it in connection with its water, sanitation, or sewerage system; and

~~WHEREAS, to the extent authorized by Health and Safety Code Section 5471 and Government Code Section 66013, the District has estimated the costs of providing these~~ desires to impose certain miscellaneous fees and charges for specific services or products it may provide to an individual customer ("Miscellaneous Fees and Charges"); and

~~WHEREAS, the District has determined the reasonable costs of specific services or products it may provide to an individual customer; and~~

~~WHEREAS, the revenues derived from the Miscellaneous Fees and Charges will not be used by the District for any purpose other than to defray the costs of providing the services and products provided to an individual customer; and~~

~~WHEREAS, Health and Safety Code Section 5473.10 authorizes the District to provide for a basic penalty of not more than ten percent (10%) for nonpayment of charges within the time and in the manner prescribed by it, and to provide for a penalty of not exceeding one and one-half percent (1½%) per month for nonpayment of the charges and basic penalty; and~~

~~WHEREAS, to the extent authorized by Health and Safety Code Section 5473.10, the District desires to impose certain penalties for nonpayment of District charges within the time and in the manner prescribed; and~~

~~WHEREAS, information regarding the proposed fees and charges~~ Miscellaneous Fees and Charges was available for public inspection and review ten (10) days prior to a public hearing, and notice of the public hearing was given in compliance with Government Code Section ~~54992~~ 66016; and

~~WHEREAS, a public hearing, noticed pursuant to and in compliance with Government Code Sections 54994.1~~ 66018 and 6062a was held at a scheduled meeting of the Board of Directors; and

~~WHEREAS, after considering the information, hearing a staff presentation, considering the testimony received at the public hearing and discussion of the issues, the Board of Directors concludes there exists a reasonable relationship between the cost of the that the Miscellaneous Fees and Charges do not exceed the reasonable costs of providing those services being provided and the fees being imposed by the District or products to an individual customer; and~~

~~WHEREAS, miscellaneous charges are adopted and imposed only as a condition of extending or initiating service by the District to the customer and any customer may avoid payment of any fee or charge by disconnecting from the facilities of the District; and~~

~~WHEREAS, miscellaneous charges are not imposed upon real property or upon persons as an incident of real property ownership, but rather as a condition of service by the District;~~

~~WHEREAS, the District finds that the Miscellaneous Fees and Charges established by this Ordinance are neither an incident of property ownership nor a property-related service having a direct relationship to property ownership and; therefore, not subject to the requirements of California Constitution Article XIII D; and~~

~~WHEREAS, the District finds that, pursuant to California Constitution Article XIII C, Sections 1(e)(2) and 1(e)(5), the Miscellaneous Fees and Charges established by this Ordinance are not taxes subject to the requirements of California Constitution Article XIII C, Section 2; and~~

~~WHEREAS, The District finds that the purpose of the Miscellaneous Fees and Charges established by this Ordinance is to meet the District's operating expenses, including, without limitation, purchasing or leasing supplies, equipment and materials, and, therefore, the adoption of this Ordinance is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15273(a);~~

~~NOW, THEREFORE, the Triunfo Sanitation District (TSD) Board of Directors ordains as follows:~~

~~**Section 1. Short Title.** This Ordinance shall be known as the Ordinance No. TSD-74 Miscellaneous Fee and Charge Ordinance, effective August 1, 2000 January 1, 2012, and may be cited as such.~~

~~**Section 2. Purpose.** The purpose of this Ordinance is to establish fees and charges for miscellaneous services and products provided by TSD as identified below the District, and to establish certain penalties for nonpayment of District charges within the time and in the manner prescribed.~~

~~**Section 3. Recitals.** All of the above Recitals are true and incorporated by reference herein as if set forth in full.~~

Section 34. 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.

Section 45. Miscellaneous Fees and Charges. The following miscellaneous fees and charges are hereby prescribed:

Archive retrieval or research	Actual cost (time & mat'l + copies)
Copies	
Laserwriter copy (computer copy)	\$.10
Letter size photocopy – each of first 3 pages	\$.50
Letter size photocopy – each additional page	\$.10
Irregular size photocopy page	\$.50
Approved item for person use of District staff	\$.10
Engineering Drawings (2'x3')	
Blue line sheet	\$ 1.50
Sepia mylar sheet	\$ 18.00
Xerographic mylar sheet	\$ 6.00
Late Payment Penalty	
Each charge that becomes past due will incur a 10% penalty plus 1.5% of outstanding balance (including penalties) each add'l month until paid	
Postage to mail requested materials	Actual cost
Reports	
Consultants	Actual cost
District	\$.10/page plus labor
Budget	\$ 15.00
Comprehensive Annual Financial Report	\$ 25.00
Returned Checks	
Check returned (without prior notice)	\$ 25.00
Water Services Charges	
Account set up fee	\$ 15.00
Construction connection (per month)	\$ 8.50
New Customer Deposit – 5/8"-3/4" meter	\$ 60.00
New Customer Deposit - 1" meter	\$ 80.00
New Customer Deposit – 1 1/2" meter	\$ 100.00
New Customer Deposit - 2" meter	\$ 150.00
New Customer Deposit over 2" meter	\$ 200.00
Premise Visit (shut off/turn on/etc.) – regular business hours	\$ 30.00
Premise Visit (shut off/turn on/etc.) – after hours/weekends	\$ 70.00
Fire Service (per inch of meter diameter)	\$ 6.75
Security Deposit – 2.5" fire hydrant meter	\$ 500.00
Security Deposit – 3" fire hydrant meter	\$ 4,000.00 1,200.00
Security Deposit – 4" fire hydrant meter	\$ 1,200.00
Security Deposit – reinstatement after turnoff	\$ 65.00 50.00

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for customer 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
applied during the entire period)

Unauthorized turn-on	\$ 75.00
Unauthorized fire hydrant use	\$ 250.00

~~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 facilities necessary to maintain service within existing service areas; (5) improvements and repairs; and (6) debt service and refunds.~~

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 and products described and the impact of any pending or anticipated changes in the service level those services or products. 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 the Miscellaneous Fees and Charges prescribed herein or other action that may be required.

~~Section 7. Traditional Action to Challenge. Any traditional action or proceeding to attack, review, set aside, void, or annul this Ordinance must be brought to a court of competent jurisdiction within one hundred twenty (120) days of its adoption. In the event that any section, clause, or portion of this Ordinance is found invalid by a court of competent jurisdiction, then the validity of the remaining sections of this Ordinance will not be affected.~~

~~Section 8. Effective Date. The Board of Directors hereby finds and determines that the public necessity is best serviced by the timely adoption of this Ordinance, which shall take effect on August 1, 2000.~~

PASSED AND ADOPTED this 26th day of June 2000 by the following vote:

AYES: Directors: Acosta, Callero, Gillette, and Stark

NOES: Directors: None.

ABSENT: Directors: Schille

TRIUNFO SANITATION DISTRICT

/s/

RONALD STARK, Chairman
Board of Directors

ATTEST:

/s/

RHONDA CATRON
Clerk of the Board

TRIUNFO SANITATION DISTRICT

ORDINANCE NO. TSD-74 PRESCRIBING MISCELLANEOUS FEES AND CHARGES

WHEREAS, the Triunfo Sanitation District ("District") is duly organized and established under the laws of the State of California; and

WHEREAS, Health and Safety Code Section 5471 and Government Code Section 66013 authorize the District to prescribe, revise and collect certain fees, tolls, rates, rentals, or other charges for services and facilities furnished by it in connection with its water, sanitation, or sewerage system; and

WHEREAS, to the extent authorized by Health and Safety Code Section 5471 and Government Code Section 66013, the District desires to impose certain miscellaneous fees and charges for specific services or products it may provide to an individual customer ("Miscellaneous Fees and Charges"); and

WHEREAS, the District has determined the reasonable costs of specific services or products it may provide to an individual customer; and

WHEREAS, the revenues derived from the Miscellaneous Fees and Charges will not be used by the District for any purpose other than to defray the costs of providing the services and products provided to an individual customer; and

WHEREAS, Health and Safety Code Section 5473.10 authorizes the District to provide for a basic penalty of not more than ten percent (10%) for nonpayment of charges within the time and in the manner prescribed by it, and to provide for a penalty of not exceeding one and one-half percent (1½%) per month for nonpayment of the charges and basic penalty; and

WHEREAS, to the extent authorized by Health and Safety Code Section 5473.10, the District desires to impose certain penalties for nonpayment of District charges within the time and in the manner prescribed; and

WHEREAS, information regarding the proposed Miscellaneous Fees and Charges was available for public inspection and review ten (10) days prior to a public hearing, and notice of the public hearing was given in compliance with Government Code Section 66016; and

WHEREAS, a public hearing, noticed pursuant to and in compliance with Government Code Sections 66018 and 6062a was held at a scheduled meeting of the Board of Directors; and

WHEREAS, after considering the 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 Miscellaneous Fees and Charges do not exceed the reasonable costs of providing those services or products to an individual customer; and

WHEREAS, the District finds that the Miscellaneous Fees and Charges established by this Ordinance are neither an incident of property ownership nor a property-related service having a direct relationship to property ownership and; therefore, not subject to the requirements of California Constitution Article XIID; and

WHEREAS, the District finds that, pursuant to California Constitution Article XIII C, Sections 1(e)(2) and 1(e)(5), the Miscellaneous Fees and Charges established by this Ordinance are not taxes subject to the requirements of California Constitution Article XIII C, Section 2; and

WHEREAS, The District finds that the purpose of the Miscellaneous Fees and Charges established by this Ordinance is to meet the District's operating expenses, including, without limitation, purchasing or leasing supplies, equipment and materials, and, therefore, the adoption of this Ordinance is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15273(a);

NOW, THEREFORE, the Triunfo Sanitation District Board of Directors ordains as follows:

Section 1. Short Title. This Ordinance shall be known as the Ordinance No. TSD-74 Miscellaneous Fee and Charge Ordinance, effective , and may be cited as such.

Section 2. Purpose. The purpose of this Ordinance is to establish fees and charges for miscellaneous services and products provided by the District, and to establish certain penalties for nonpayment of District charges within the time and in the manner prescribed.

Section 3. Recitals. All of the above Recitals are true and incorporated by reference herein as if set forth in full.

Section 4. 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.

Section 5. Miscellaneous Fees and Charges. The following miscellaneous fees and charges are hereby prescribed:

Archive retrieval or research	Actual cost (time & mat'l + copies)
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Laserwriter copy (computer copy)	\$.10
Letter size photocopy – each of first 3 pages	\$.50
Letter size photocopy – each additional page	\$.10
Irregular size photocopy page	\$.50
Approved item for person use of District staff	\$.10
Engineering Drawings (2'x3')	
Blue line sheet	\$ 1.50
Sepia mylar sheet	\$ 18.00
Xerographic mylar sheet	\$ 6.00
Late Payment Penalty	
Each charge that becomes past due will incur a 10% penalty plus 1.5% of outstanding balance (including penalties) each add'l month until paid	
Postage to mail requested materials	Actual cost
Reports	
Consultants	Actual cost
District	\$.10/page plus labor
Budget	\$ 15.00
Comprehensive Annual Financial Report	\$ 25.00
Returned Checks	
Check returned (without prior notice)	\$ 25.00
Water Services Charges	
Account set up fee	\$ 15.00
Construction connection (per month)	\$ 8.50
New Customer Deposit – 5/8"-3/4" meter	\$ 60.00
New Customer Deposit - 1" meter	\$ 80.00
New Customer Deposit – 1 1/2" meter	\$ 100.00
New Customer Deposit - 2" meter	\$ 150.00
New Customer Deposit over 2" meter	\$ 200.00
Premise Visit (shut off/turn on/etc.) – regular business hours	\$ 30.00
Premise Visit (shut off/turn on/etc.) – after hours/weekends	\$ 70.00
Fire Service (per inch of meter diameter)	\$ 6.75
Security Deposit – 3" fire hydrant meter	\$ 1,200.00
Security Deposit – reinstatement after turnoff for customer 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).	\$ 65.00
Unauthorized turn-on	\$ 75.00
Unauthorized fire hydrant use	\$ 250.00

Section 6. Fee Review Period. On or about January 1 of each year, the District Manager is hereby empowered and shall review the cost of providing the services and products described and the impact of any pending or anticipated changes in those services or products. The District Manager shall report these findings to the Board of

Directors at a duly noticed public hearing and recommend any adjustment to the Miscellaneous Fees and Charges prescribed herein or other action that may be required.

Section 7. Effective Date. The Board of Directors hereby finds and determines that the public necessity is best serviced by the timely adoption of this Ordinance, which shall take effect on _____, 2012.

PASSED AND ADOPTED this ____ day of _____, 2012 by the following vote:

AYES: Directors:

NOES: Directors:

ABSENT: Directors:

TRIUNFO SANITATION DISTRICT

_____, Chairman
Board of Directors

ATTEST:

Josie Guzman, CMC, Clerk of the Board