

## 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 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 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 February 23, 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 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)
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 – 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 February 23, 2012.

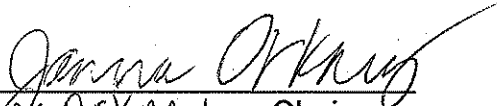
**PASSED AND ADOPTED** this 23<sup>rd</sup> day of January 2012 by the following vote:

AYES: Directors: Iceland, McReynolds, Paule, Wall, Orkney

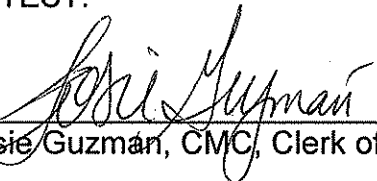
NOES: Directors: None

ABSENT: Directors: None

**TRIUNFO SANITATION DISTRICT**

  
Janna Orkney, Chairman  
Board of Directors

ATTEST:

  
Josie Guzman, CMC, Clerk of the Board