June 16, 2022

Board of Directors
Ventura Regional Sanitation District
Ventura, California

PUBLIC HEARING - ORDINANCE REGULATING THE USE OF THE MALIBU BAY CLUB ONSITE WASTEWATER TREATMENT SYSTEM AND ADOPTING SEWER SERVICE CHARGES – SECOND READING OF ORDINANCE NO. VRSD-117

RECOMMENDATIONS:

A. Conduct a public hearing regarding the proposed rules, fees and charges for the Malibu Bay Club Onsite Wastewater Treatment System, Ordinance No. VRSD-117:

1) Call to order.
2) Receive staff report and recommendations.
3) Report of written communications received by Clerk of the Board pursuant to Proposition 218 notice and protest requirements.
4) Public comment.
5) Close public hearing.
6) Discussion and deliberation by Board of Directors.

B. Conduct the second reading, by title only, of Ordinance No. VRSD-117, Regulating the use of Malibu Bay Club Onsite Wastewater Treatment System and Adopting Sewer Service Fees and Charges; and

C. Absent a properly presented majority protest from Malibu Bay Club parcel owners, Approve and Adopt Ordinance No. VRSD-117 Regulating the Use of Malibu Bay Club Onsite Wastewater Treatment System ("OWTS") and Adopting Sewer Service Fees and Charges to become effective July 1, 2022.

FISCAL IMPACT

Pursuant to California Constitution and corresponding statutes and provisions, the District may recover the reasonable cost of sanitary sewer services provided to property owners through a proportional fee. Over the next five years the proposed sewer service charges set out in Ordinance No. VRSD-117 will provide adequate revenues to cover the ordinary and reasonable cost of providing operation and maintenance services for the Malibu Bay Club Onsite Wastewater Treatment System ("System") located at 41000 Pacific Coast Highway, Malibu, CA.

The proposed sewer service charge per residential unit (RU) is $191.11 and will change by the CPI change annually. The two main components of this charge are $153.21 per RU for operation and maintenance costs and $37.90 per RU for actual insurance expense. Labor constitutes most of the operation and maintenance cost which is driven by the annual Board-adopted water / wastewater labor rates. The insurance expense is based on the actual cost to the District to insure the OWTS.

Annual increases to the Operational Service Charge will be based on actual CPI, defined as the index for All Urban Consumers for the Los Angeles-Long Beach-Anaheim, CA area, not seasonally adjusted, all items index, annual average. Annual changes to insurance Premiums will be based on actual insurance premium costs.

SUMMARY

The Ventura Regional Sanitation District ("District") will conduct a public hearing on June 16, 2022 at 8:30 a.m. to consider Ordinance No. VRSD-117 ("Ordinance", attached hereto) which: (1) regulates usage of the Malibu Bay Club OWTS; and (2) increases the monthly sewer service charge imposed by the District on the properties served by the OWTS.

BACKGROUND

The District owns and operates the System, which is located at a residential development commonly known as the Malibu Bay Club. The initial cost of constructing the System is still being recovered under an established assessment district, which is collected on the County of Ventura tax roll for the 136 parcels in the Malibu Bay Club development. The costs associated with the ongoing System operation, upgrades, maintenance, monitoring and reporting are funded by a sewer service charge which is also collected on the tax roll. Reserves for capital expenditures and foreseeable System repair and/or replacement may also be funded by this sewer service charge.

The District last conducted a Prop. 218 public hearing in 2020 to establish sewer service rates to be collected for ongoing System operation, upgrades, maintenance, monitoring, reporting, and reserve funding. This hearing resulted in your Board's adoption of Ordinance No. VRSD-115 which established a 5-year rate plan for Malibu Bay Club property owners/rate payers. However, as a result of higher than anticipated increases in insurance premiums, as well as VRSD hourly rates, those rates now need to be increased so that the District will recover its reasonable costs for providing this essential public service.

Additionally, there is an Agreement between the District and Malibu Bay Club homeowners association ("MBC") which became effective on July 2, 2015. The 2015 Agreement includes a provision to create a $50,000 Reserve Fund which at the end of FY 2022 is expected to be met.

For this current proposal, please know that District staff has met with representatives of the Club to discuss the proposed service charges and the OWTS budget. Based on these meetings, District staff understands that the Club will likely attempt to vote down the proposed rate increase necessary to fund the OWTS or to present a majority protest vote as allowed by law.

If the Club / parcel owners are successful in presenting a majority protest vote to the proposed wastewater rate increase on June 16th, the consequences of such vote on the operation and maintenance of the OWTS System going forward will need to be carefully parsed and reviewed by both the Club and VRSD.

PROPOSED SEWER SERVICE CHARGES

Over the next five fiscal years the proposed Sewer Service Charge ("Charge") in Ordinance No. VRSD-117, will provide for the necessary revenues to cover the ordinary cost of providing System operation and maintenance to implement programs and improvements necessary to comply with increasingly stringent water quality regulatory requirements.

Based on the actual operational and maintenance expenses for the System over the last five years and the anticipated expenses for the next fiscal year the Charge per residential unit will increase by $74.58 from $116.53 to $191.11 per month, effective July 1, 2022. Additionally on July 1 of each subsequent Fiscal Year from 2023-2024, through 2026-2027, the proposed Base Sewer Service Charge per residential unit per month would be adjusted by the changes in the cost of living as measured by the U.S. Department of Labor Consumer Price Index ("CPI"). In no case will the District implement a CPI adjustment that contributes to the collection of charges that exceed the cost of providing the service.

Charge calculation is derived by dividing the budgeted System costs by the number of residential units served as the residential units are generally similar in size and permitted use (single family residential). Sewer service charges are calculated so that revenues from these charges do not exceed the District's estimated reasonable costs of providing the sewer service. Specifically, the Board has relied on District reports, budgets and plans in determining a sewer service charge that provides adequate revenues to: (1) cover the ordinary cost of providing System operation and maintenance; (2) maintain a $50,000 reserve for unanticipated and unbudgeted System expenses; and (3) implement programs and improvements necessary to comply with increasingly stringent regulatory requirements.

This letter has been reviewed by VRSD legal counsel as to form.

If you should have any questions or need additional information, please contact me at (805) 658-4646 or via email at TinaRivera@vrsd.com.

ALVERTINA RIVERA, DIRECTOR OF FINANCE

APPROVED FOR AGENDA: _____
Chris Theisen, General Manager

Attachment: 1.Ordinance No. VRSD-117

VENTURA REGIONAL SANITATION DISTRICT

BOARD OF DIRECTORS

ORDINANCE NO. VRSD-117

AN ORDINANCE OF THE VENTURA REGIONAL SANITATION DISTRICT REGULATING THE USE OF THE MALIBU BAY CLUB ONSITE WASTEWATER TREATMENT SYSTEM AND ADOPTING SEWER SERVICE FEES AND CHARGES

RECITALS

WHEREAS, Ventura Regional Sanitation District ("VRSD" or "District") is a county sanitation district created pursuant to California Health & Safety Code §4700 et seq.; and

WHEREAS, VRSD owns and operates an advanced onsite wastewater treatment system or facility ("OWTS") and public sewer serving the public health and safety needs of residential development commonly known as the Malibu Bay Club which is located at 41000 Pacific Coast Highway in the unincorporated area of the County of Ventura ("System"); and

WHEREAS, Malibu Bay Club ("Club"), is also the name for a California non-profit mutual benefit corporation which provides for the management and maintenance of certain commonly owned property and improvements (i.e., sea wall and sewage collection system) which are part of the Malibu Bay Club residential development as well as acting as the homeowners association for approximately thirty (30) single-family residences located at the Malibu Bay Club development; and

WHEREAS, the Malibu Bay Owners Association ("MBOA") is the homeowners association for approximately 100 condominium owners at the Malibu Bay Club residential development; and

WHEREAS, District and Club, who is representing the interests of its constituent homeowners, and MBOA agree that their interests benefit from transparency and regular communications regarding the regulatory compliance, financial health and operational viability of the System; and

WHEREAS, California Health & Safety Code §5471 provides that VRSD may prescribe and collect fees and charges in connection with the System pursuant to an ordinance adopted by a two-thirds (2/3) vote of the governing body.

FINDINGS

The District Board of Directors hereby finds and determines as follows:

A. The District maintains budgets, operation plans, capital improvement programs and

financial and operational reports related to the System (collectively referred to as the "Administrative Record") which have been made available to the public, both prior to and subsequent to their public review at noticed public meetings; and

B. The District periodically undertakes evaluation and study of its operational and financial needs for the future, including, but not limited to: assessments of the System users, the demands on the System, the capacity and treatment requirements of the System to provide necessary public health and safety service to the users, and the total cost of the existing and future operations and facilities in the System. These evaluations were utilized during the development of the District's Fiscal Year 2022-2023 Budget; and

C. The District's Budget provides for the operation of the System in a manner that meets legally mandated sewage treatment standards, thereby improving effluent water quality, consistent with the goals and policies of the State of California, Board of Directors and the public. The Board further finds that adjustments in Sewer Service Charges are necessary to provide adequate revenues to operate and maintain the System in legal compliance with applicable standards, to finance the improvements and programs necessary to implement the mandated treatment standards, to rehabilitate, repair, maintain and refurbish existing facilities, and to retire any advances made from District's General Fund and/or debt incurred to finance System expenses. The Board of Directors also finds that such Sewer Service Charges are established in a manner that is reasonably related to, and does not exceed, the costs of providing these essential public health and safety sewer services; and

D. The revenues derived under the provisions of this Ordinance will be used for the reconstruction, maintenance, repair and operation of the sewage collection, wastewater treatment or OWTS and disposal facilities of the District; to pay for the expenses of System administration; and, to fund prudent and necessary reserves to address future capital improvements or repairs to the System given its age and location; and

E. The owners or occupants of the properties (both Club and MBOA), upon which all fees and charges established by this Ordinance are levied, discharge wastewater to the District's collection, treatment and disposal facilities; and

F. The Sewer Service Charges established and levied by this Ordinance are designed to allow the District to recover the reasonable costs to provide essential public health and safety sewer services to users of residential units (both condominium and single-family residence) served by the System; and

G. The Sewer Service Charges established by this Ordinance are not imposed as a condition of approval of a development project, as defined in California Government Code §66001 and do not exceed the estimated reasonable cost to provide the essential public health and safety sewer service for which the fee is levied, as required by law; and

H. All fees and charges established herein have been approved by the District's Board of Directors at a properly noticed public hearing, all in accordance with applicable provisions of law and the California Constitution, including California Constitution Article XIII D and the Proposition 218 Omnibus Implementation Act (California Government Code §53750, et seq.); and

I. The adoption of this Ordinance is statutorily exempt under the California

Environmental Quality Act pursuant to the provisions of Public Resources Code §21080(b)(8) and California Code of Regulations §15273(a); and

J. The District Board has considered the entire Administrative Record, including, but not limited to, all documents referenced in this Ordinance and other documents in the record, and all written and oral testimony received by the District Board, as well as the recommendations of District staff and the District's engineering consultants; and

K. Each and all of the findings and determinations contained herein are based on the competent and the substantial evidence, both oral and written, contained in the entire Administrative Record. These findings and determinations constitute the independent findings and determinations of the District Board in all respects and are fully supported by the substantial evidence in the record as a whole. The Administrative Record shall be maintained in the District's official files in the District's offices; and

L. Any finding made by the District Board shall be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes findings by the District Board, whether or not any particular sentence or clause includes a statement to that effect. The District Board intends that these findings be considered as an integrated whole and, whether or not any part of these findings fail to cross reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by this District Board with respect to any particular subject matter of the proposed project, shall be deemed to be made if it appears in any portion of these findings.

SEWER SERVICE CHARGES AND SYSTEM REGULATIONS

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

ARTICLE I - DEFINITIONS

Section 1. Board. "Board" shall mean the Board of Directors of the District.

Section 2. Condominium. A "Condominium" is an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential building on such real property. A Condominium may include, in addition, a separate interest in other portions of such real property.

Section 3. Contractor. "Contractor" shall mean any individual, firm, partnership, association, or corporation currently licensed by the State of California to perform the type of work required by Permit.

Section 4. District. "District" shall mean the Ventura Regional Sanitation District of Ventura County, California, and the terms District and VRSD may be used interchangeably.

Section 5. Permit. "Permit" shall mean any written authorization required pursuant to this Ordinance or any other Rules or Regulations of the District for the installation or connection of any sewage works.

Section 6. Person. "Person" shall mean any human being, individual, trust, firm, company, partnership, association, private, municipal or public corporation, and all political subdivisions, governmental agencies and subsidiaries thereof.

Section 7. Public Sewer. "Public Sewer" shall mean a sewer main lying within a public right-of-way/easement under the jurisdiction of the District.

Section 8. Residential Unit. "Residential Unit" or "RU" shall mean a unit of measurement for each single-family residence, townhome or condominium unit. The District has determined that the quantity and quality of sewage originating from each unit falls within a range that justifies a uniform Sewer Service Charge per RU. In the event the District, after a public hearing, determines that any RU generates sewage which causes extraordinary expenses, a Special Case Charge may be imposed as provided below at Section 23.

Section 9. Rules and Regulations. "Rules and Regulations" shall mean specific rules and/or regulations adopted by the Board to establish specific guidance and limitations on how a portion of the District's operating procedures are to be handled. Said Rules and Regulations shall not conflict with this or any other ordinance of the District.

Section 10. Sewage. "Sewage" shall mean the wastewater derived from ordinary living processes, free from commercial, institutional or industrial wastes, and of such character as to permit disposal, without special treatment, into the System.

Section 11. Sewer. "Sewer" shall mean any pipe or conduit for the transportation of Sewage within the System.

Section 12. Sewer Service Charge. "Sewer Service Charge" shall mean the monthly charge the District imposes upon the owners of Residential Units using the System and established by the District to recover the sum of the total System operation, maintenance and replacement costs, general administration costs, capital costs, debt obligations, refunding of advances from VRSD's General Fund, and District expenditures deemed necessary to conduct the lawful business of the District.

Section 13. Side Sewer. "Side Sewer" shall mean the lateral sewer line beginning at any Building and terminating at the Public Sewer.

Section 14. System. "System" shall mean VRSD's Malibu Bay Club Onsite Wastewater Treatment Facility, Public Sewer, and all ancillary facilities for the collection, transportation, storage, pumping, treatment, reclamation and disposal of Sewage at the Malibu Bay Club, subject to the provisions of Section 34 below.

Section 15. System Manager. "System Manager" shall mean the District Director of Operations or his/her appointed representative, who shall administer and enforce all provisions of this Ordinance.

ARTICLE II - PUBLIC SEWER USE

Section 16. Waste Disposal. It shall be unlawful for any person to place, deposit, or permit the deposit in an unsanitary manner upon public or private property within the Malibu Bay Club residential development any Sewage or other wastewater in violation of any law or regulation.

Section 17. Discharge of Waste. It shall be unlawful to discharge into any drainage conduit, stream or watercourse any Sewage or other polluted waters.

Section 18. Types of Wastes Prohibited. No person shall knowingly discharge or deposit or allow the discharge or deposit into the System any of the following: storm, surface or ground waters; or solids or fluids which create nuisances, such as nuisance odors; or solids or fluids which are a menace to public health; or hazardous waste solids as defined in the California Health and Safety Code; or fluids, including but not limited to, grease, oil, cleaning agents or root control agents, which are detrimental to the functioning of said sewers or to the treatment processes and/or disposal facilities of the System. Rules and Regulations to implement this prohibition may be set by resolution of the District in a format known as the Rules and Regulations for the System. Said Rules and Regulations may set limitations on certain wastes and discharges into the System and provide for permits, wastewater monitoring and self-reporting. No person shall discharge or cause to be discharged to the System, either directly or indirectly, any waste that creates a stoppage, plugging, breakage, reduction in sewer capacity or any other damage to the System. Any excessive sewer or sewerage maintenance expense, or any other expense attributable thereto, shall be charged to the offending person by the District.

Section 19. Permits and Fees. No public or private sewer or sewerage facility shall be installed, altered, or repaired within the Malibu Bay Club residential development until a Permit has been obtained from the District (and other regulatory agencies, if required) and appropriate fees paid in accordance with the District's ordinances, Rules and Regulations.

Section 20. Construction Requirements. The requirements of the District and this Ordinance shall govern the construction of any Side Sewer. Specific requirements may be set by resolution of the District in a format known as the Rules and Regulations for the System.

Section 21. Persons Authorized. Sewer construction within the Malibu Bay Club shall be performed by authorized Contractors, currently licensed by the State of California or by the District. All terms and conditions of the District Permit shall be binding on the Contractor. The requirements of this section shall also apply to any Side Sewer installed concurrently with Public Sewer construction.

ARTICLE III - SEWER SERVICE CHARGES

Section 22. Sewer Service Charges. A Sewer Service Charge for each Residential Unit shall be paid to the District by the person owning any Residential Unit (RU) served by the System. Sewer Service Charges shall be adjusted for each Fiscal Year ("FY"). Each Fiscal Year commences July 1 and expires the following June 30th. The Monthly Sewer Service Charge for each Fiscal Year shall be as follows:

1	2	3	4
Fiscal Year	**Insurance Premium** **(Footnote (a))**	**Operational Service Charge per Residential Unit** **(Footnote (b))**	**Total Monthly Service Charge per Residential Unit** **(Column 2 plus Column 3)**
FY2023	$37.90	$153.21	$191.11
FY2024	Actual Insurance Premium/RU	Previous FY charge + CPI Adjustment	(Column 2 plus Column 3)
FY2025	Actual Insurance Premium/RU	Previous FY charge + CPI Adjustment	(Column 2 plus Column 3)
FY2026	Actual Insurance Premium/RU	Previous FY charge + CPI Adjustment	(Column 2 plus Column 3)
FY2027	Actual Insurance Premium/RU	Previous FY charge + CPI Adjustment	(Column 2 plus Column 3)

(a) Effective July 1, 2023, and on July 1st of each fiscal year through fiscal year 2027, the District's actual insurance premium costs for Malibu Bay Club will be allocated equally per Residential Unit and included in the Total Monthly Sewer Service Charge.

(b) Effective July 1, 2023, and on July 1st of each fiscal year through fiscal year 2027, the Operational Sewer Service Charge Rates shall be adjusted annually for inflation, in accordance with the U.S. Bureau of Labor Statistics' Consumer Price Index (CPI). CPI shall be defined as the index for All Urban Consumers for the Los Angeles-Long Beach-Anaheim, CA area, not seasonally adjusted, all items index, annual average. In no case shall the District implement a CPI adjustment that contributes to the collection of charges that exceed the cost of providing the service.

Section 23. Special Case Charges. In the event any person owning any Residential Unit served by the System causes District to incur extraordinary maintenance or operational expenses, then that person shall pay District Special Case Charges to be determined for each individual case based on the District's then published labor rate and reasonable and actual collection and treatment costs incurred by District.

Section 24. Findings Concerning Sewer Service Charges. The Board of Directors makes the following findings in connection with adoption of this Ordinance:

a. The fees and charges set forth in this Ordinance do not exceed the estimated reasonable cost of providing the essential public health and safety sewerage services for which the fees and charges are imposed.

b. Revenues derived from the fees and charges are not used for purposes other than the provision of sewerage services.

c. The fees and charges are used for the administration, operation, maintenance, and repair and reconstruction of the System.

Section 25. Collection of Fees and Charges and Penalties for Nonpayment of Direct Fees and Charges. Pursuant to California Health and Safety Code §5473, et seq., the District hereby elects to have the Sewer Service Charges established pursuant to this Ordinance collected on the Assessor's tax roll for the County of Ventura. Other fees and charges established pursuant to this Ordinance may be collected by any method allowed by law. If fees and charges are collected by direct billing, all fees and charges made or assessed under the provisions of this Ordinance are due and payable fifteen (15) days from the mailing date of the billing document and shall become delinquent fifteen (15) days thereafter. Delinquent amounts shall be subject to a penalty of ten (10%) percent.

a. **Direct Collection Charge Application.** The charges described herein shall be applied to accounts with direct billing only. The usual charge applied by the Auditor-Controller/Tax Collector's office shall be applied to unpaid property tax bills, where the fees and charges have been placed on the tax rolls for collection. The extraordinary charges described herein shall not be applied to unpaid property tax bills.

b. **Ongoing Direct Collection Charges.** Balances of all accounts plus any initial collection charge, which remains unpaid at the end of the next regular billing period, shall incur additional ongoing collection charges of one and one-half percent (1.5%)

per month on the unpaid balance until paid. Continued nonpayment will result in the unpaid amounts, plus any collection costs to the District, being added to the tax rolls for collection during the next tax year.

ARTICLE IV - PERMITS AND FEES

Section 26. Permit. Prior to construction, repair, or maintenance of a Side Sewer, or any connection with a Public Sewer, the owner of the RU served shall obtain a written Permit, and pay all fees and charges in accordance with the provisions of the District's ordinances and Rules and Regulations.

Section 27. Permit Required. No unauthorized person shall uncover, connect with, or open into, use, alter, or disturb any part of the System, without first obtaining a Permit from the District. Evidence of a Permit shall be posted at the work site or otherwise made available upon demand of any District authorized representative.

Section 28. Application for Permit. Any person legally entitled to apply for and receive a Permit may make application to the District. The location, ownership, occupancy and use of the premises and a description of the proposed nature of the work to be performed shall be provided by the applicant. Specifications, plans, drawings and other information shall be supplied to the System Manager as deemed necessary.

Section 29. Permit Compliance. Approval of the application for a Permit is evidenced by the issuance of a Permit. Thereafter, no change shall be made in the location of the sewer, the grade, materials or other details described in the Permit or as shown on the approved plans and specifications, unless prior written permission is obtained from the District, the System Manager, or other authorized representatives. Until the connections covered by the issued Permit have been installed and approved in accordance with District ordinances and Rules and Regulations, no residence, building or facility to be served by said connections shall be allowed to discharge Sewage to the Public Sewer.

Section 30. Time Limit, Permits. If the work granted by the Permit is not commenced within six (6) months from date of issuance, or is discontinued for a period of ninety (90) days after partial completion, the Permit shall be void. No further work shall be undertaken until a new Permit has been secured by proper application. The work shall be completed within the calendar days for completion as specified by the new Permit.

Section 31. Agreement. The signature of the applicant on an application for a Permit shall constitute an agreement to comply with all provisions, terms and requirements of this Ordinance. The signature shall constitute an agreement to comply with the approved plans and specifications and any further corrections or modifications as may be required by the District. Such agreements shall be binding upon the applicant and may be modified by the District after the receipt and consideration of a written request for modification submitted by the applicant. Installation and connection of any sewer or other work, for which a Permit is required, shall be at the expense of the owner.

Section 32. Residential Unit Owner to Indemnify District. The owner of an RU located within the Malibu Bay Club residential development shall indemnify the District from any liability, loss, claim, violation or damage directly or indirectly caused by the installation and connection of any sewer or other work by the residential unit owner or residential unit owner's contractor.

Section 33. Liability. The owner of any RU within the Malibu Bay Club residential development shall be solely liable to the District for any defects or failure during performance of the residential unit owner or residential unit owner's contractor work relating to the RU or any failure, which may develop therein. The District, its officers, agents and employees shall not be answerable for any liability, death or injury to persons, or property damage due to, or arising out of, the performance of this work by the residential unit owner or residential unit owner's contractor. The residential unit owner or residential unit owner's contractor shall indemnify and hold harmless the District, its officers, agents and employees from all liabilities imposed by law, including all costs, expenses, fees and interest incurred in seeking to enforce this provision.

Section 34. Owner's Responsibility. The owner of a RU shall be responsible for maintaining the Side Sewer for that respective RU. The owner shall be responsible for the installment, maintenance and operation of backflow preventors and clean-outs. The District shall not be liable should owner fail to install or maintain a backflow prevention device.

ARTICLE V - ENFORCEMENT

Section 35. Violation. Any person found to be in violation of any provision of this or other ordinances of the District shall be served with written notice by the System Manager or other authorized representative. Such written notice shall state the nature of the violation and provide a reasonable time limit for correction thereof. The notice may set forth a compliance schedule with specific actions the user shall take in order to correct the violation. In addition, the notice may require inspections or sampling and may impose other requirements deemed necessary. The notice may also contain a statement that additional enforcement action may be pursued if corrective actions are not accomplished as scheduled. Within the time period stated in the notice, all violations shall permanently cease. All persons shall be strictly liable for the acts of their agents and employees performed under the provisions of this or any other ordinance or Rules and Regulations of the District. Upon notification by the System Manager of any defect arising in any sewer, or notification of any violation of this Ordinance, the person or persons in charge of said work shall immediately effect corrections.

Section 36. Termination of Service. To fully effect its powers, the District may terminate wastewater service to any residential unit from which wastes or wastewater have been discharged, are being discharged, or are threatened to be discharged in violation of any provision of this Ordinance or other District ordinance, rule or regulation, or because of delinquency in the payment of any charge or fee lawfully imposed by the District, or because of a violation of any other requirement of law. Prior to termination of service, however, the District shall notify, in writing the Owner, and tenant if any, that service is intended to be so terminated. The notice shall state the date of proposed termination of service and the reasons therefore. Except in the case of emergency or threat to public health or safety, such date of termination shall not be less than 30 days subsequent to the giving of notice as herein required. If the District proceeds with the disconnection of the service to said property, said property shall not be reconnected to the District system until the violation is corrected by the user; and a deposit is made to the District in an amount sufficient to pay all costs incurred directly and indirectly in the disconnection of service to the property and an estimated amount sufficient to pay all costs of reconnection. (The District shall refund any unused monies in the deposit after payment of all said costs.)

Notwithstanding the foregoing, any unauthorized connection with, opening into or discharge to the District's sewerage system or appurtenances may be abated by the District without notice if such unauthorized connection, opening or discharge poses an imminent threat of damage to the District's sewerage system or of injury to the public health, safety and welfare.

Section 37. Means of Enforcement. The District declares the foregoing procedures are established as a means of enforcing the provisions of this and any other ordinance or Rules and Regulations of the District, and not as a penalty.

Section 38. Misdemeanor. In accordance with the Health & Safety Code of the State of California, the violation of any ordinance or Rules and Regulations of the District by any person is a misdemeanor punishable by fine not to exceed One Thousand Dollars ($1,000), imprisonment not to exceed thirty (30) days, or both. Each connection or occupancy in violation of the ordinance or Rules and Regulations of the District shall be deemed a separate violation. Each and every day, or part of a day, in violation of the ordinance or the Rules and Regulations, shall be deemed a separate offense hereunder and shall be punishable as such.

Section 39. Correction of Violations; Liability for Violation. In order to enforce the provisions of this Ordinance or any other District ordinance, rule or regulation, the District may correct any violation thereof. Any person violating any of the provisions of this Ordinance or any other District ordinance, rule or regulation, or any permit imposed pursuant thereto, shall become liable to the District for expenses, losses or damages occasioned by the District by reason of such violation, unless waived by the District for good cause. For the purposes of this provision, "expenses, losses or damages" shall include, but not be limited to, reasonable attorney's fees incurred by the District for negotiations, consultations, litigation or otherwise, and shall include reimbursement to the District for the costs to it of the hours expended by the employees of the District by reason of such violation and all other costs and expenses so occasioned. Said expenses, losses or damages shall be considered costs to correct the violation and, pursuant to Health and Safety Code Section 6523.3, the District shall have, in addition to any other remedies provided for herein or by law, such remedies for the collection of said costs as it has for the collection of sewer service charges.

The District System is regulated by the State and Federal Governments. Such regulations require the District to report violations of those agency's regulations which are discovered by the District in the course of its monitoring, inspection or other activities. Any fines or penalties imposed by another governmental agency on the District for a condition of noncompliance caused by any residential unit owner or other wastewater discharger shall be considered damages to the District for which the person or persons causing the noncompliance shall be liable to the District. In addition, any person who negligently allows or intentionally discharges or causes the discharge of prohibited sewage liquid waste or non-domestic wastes to the public sewer and such discharge causes damage to District facilities or causes detrimental effects on District treatment processes shall be liable to the District for all damages occasioned thereby.

Section 40. Protection from Damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which constitutes a part of the System. Any person in violation of this provision shall be subject to the penalties and charges provided by law.

Section 41. Power and Authority of Inspectors. The District may employ a qualified person or persons to inspect the installation, connection, maintenance and use of all Side Sewers and all facilities in connection with the System. The inspectors or any other duly authorized employee of the District shall carry evidence, which establishes his/her position as such. Upon the exhibition of proper credentials and identification, he/she shall be permitted to enter into buildings and private property at the Malibu Bay Club for the purposes of inspection, observation, measurement, sampling, testing, or otherwise performing the necessary duties pursuant to the enforcement of the provisions of this or any other ordinance or Rules and Regulations of the

District.

ARTICLE VI - MISCELLANEOUS PROVISIONS

Section 42. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof to any person, is held to be invalid or unconstitutional, there shall be a presumption of validity or constitutionality to the remaining portions. The Board hereby declares that it would have passed this Ordinance or any section, subsection, sentence, clause or phrase herein, notwithstanding the invalidity or unconstitutionality of any other part of the Ordinance.

Section 43. Effective Date/Repeal of Prior Ordinances. This Ordinance shall become effective July 1, 2022. Upon its effective date, this Ordinance shall repeal and replace Ventura Regional Sanitation District Ordinance No. VRSD-115.

PASSED, APPROVED AND ADOPTED by the Ventura Regional Sanitation District Board of Directors on June 16, 2022, by the following votes:

AYES:

NOES:

ABSENT:

VENTURA REGIONAL SANITATION DISTRICT

By _____
LAURA HERNANDEZ, Chairperson
Board of Directors

ATTEST:

_____
Juliet Rodriguez
Clerk of the Board