



June 1, 2023

Board of Directors  
Ventura Regional Sanitation District  
Ventura, California

**APPROVE AND ADOPT BOARD RESOLUTION NO. 23-01 TO COLLECT ONSITE WASTEWATER TREATMENT SYSTEM SEWER SERVICE CHARGES REGARDING MALIBU BAY CLUB PARCELS ON COUNTY OF VENTURA PROPERTY TAX ROLLS FOR FISCAL YEAR 2023-24**

**RECOMMENDATIONS**

- A. Hold public hearing in accordance with Health & Safety Code §5473 *et seq.*
- B. Approve and Adopt the report (Attachment 1) which contains the Assessor Parcel Numbers (“APNs”) and the corresponding amount of VRSD sewer service charges proposed for collection on the County of Ventura Property Tax Rolls; and
- C. Approve and Adopt VRSD Resolution No. 23-01 to Collect VRSD Sewer Service Charges on the County of Ventura Property Tax Rolls for Malibu Bay Parcels (Attachment 2); and
- D. Authorize and Direct VRSD staff to coordinate collection of VRSD sewer service charges for Malibu Bay Club parcels on the general Ventura County tax rolls with the County Auditor-Controller, Assessor, and Tax Collector, and to submit to the Auditor-Controller all required forms and data needed to place direct assessments on the tax roll.

**FISCAL IMPACT**

Collecting sewer service fees in this manner is authorized by state statute (Health & Safety Code 5473) and is extremely efficient and economical compared to direct mailing and individual collection. There are also significant savings that result from not having to prepare and mail statements, process receipts, track payments, and handle late and delinquent payments.

**BACKGROUND/ANALYSIS**

California Health and Safety Code Section 5473 provides that VRSD may elect to have such sewer service charges collected on the property tax roll. The District Board of Directors has approved and adopted resolutions to collect sewer service charges via the general Ventura County tax rolls for many years.

Health & Safety Code Section 5473 also provides in pertinent that, “Any ordinance or resolution adopted pursuant to this section authorizing the collection of charges on the tax roll shall remain in effect for the time specified in the ordinance or resolution . . .” So, given the fact that the VRSD Board of Directors Resolution No. 22-06 (Resolution Regarding Collection of Malibu Bay Club Sewer Service Charges By The County of Ventura On The Property Tax Rolls) was in effect for only one Fiscal Year 2022-23, there is now a need for the current proposed resolution for Fiscal Year 2023-24 for collection of sewer service charges on the tax rolls.

On July 2, 2020, your Board approved Ordinance No. VRSD 115, setting annual sewer service charges for the Malibu Bay Club parcels through June 30, 2025. The charges proposed to be placed on the County tax rolls for FY 2023-24 via Resolution 23-01 are consistent with the rates approved in Ordinance No. VRSD 115. The rates or service charge amounts themselves are not the subject of today’s public hearing. Rather this public hearing is only about using the Ventura County tax rolls to collect the previously approved charges.


Given the proven cost effectiveness of collecting via the tax rolls, proposed VRSD Board Resolution 23-01 directing the collecting of the sewer service charges on the Ventura County tax roll is attached for your consideration.

This letter has been reviewed by Legal Counsel as to form.

If you should have any questions or need additional information, please contact me by phone at (805) 658-4646 or via email at [tinarivera@vrzd.com](mailto:tinarivera@vrzd.com).

ALVERTINA RIVERA, DIRECTOR OF FINANCE

APPROVED FOR BUDGET IMPACT:   
Alvertina Rivera, Director of Finance

APPROVED FOR AGENDA:   
Chris Theisen, General Manager

- Attachments: 1. Exhibit “A” Parcel Listing  
2. Proposed VRSD Resolution No. 23-01

**MALIBU BAY CLUB  
DISTRICT 04-20 ASSESSMENT  
FY 23/24 - FINAL**

<b>APN</b>	<b>Situs No</b>	<b>Situs Street</b>	<b>Assessment</b>
7000220015	11828	BEACH CLUB WY	\$1,567.56
7000220025	11832	BEACH CLUB WY	\$1,567.56
7000220035	11836	BEACH CLUB WY	\$1,567.56
7000220045	11840	BEACH CLUB WY	\$1,567.56
7000220055	11844	BEACH CLUB WY	\$1,567.56
7000220065	11850	BEACH CLUB WY	\$1,567.56
7000220075	11852	BEACH CLUB WY	\$1,567.56
7000220085	11856	BEACH CLUB WY	\$1,567.56
7000220095	11860	BEACH CLUB WY	\$1,567.56
7000220105	11862	BEACH CLUB WY	\$1,567.56
7000220115	11870	BEACH CLUB WY	\$1,567.56
7000220125	11874	BEACH CLUB WY	\$1,567.56
7000220135	11876	BEACH CLUB WY	\$1,567.56
7000220145	11882	BEACH CLUB WY	\$1,567.56
7000220155	11884	BEACH CLUB WY	\$1,567.56
7000220165	11892	BEACH CLUB WY	\$1,567.56
7000220175	11896	BEACH CLUB WY	\$1,567.56
7000220205	11908	BEACH CLUB WY	\$1,567.56
7000220215	11922	BEACH CLUB WY	\$1,567.56
7000220225	11926	BEACH CLUB WY	\$1,567.56
7000220235	11928	BEACH CLUB WY	\$1,567.56
7000220245	11934	BEACH CLUB WY	\$1,567.56
7000220255	11936	BEACH CLUB WY	\$1,567.56
7000220265	11942	BEACH CLUB WY	\$1,567.56
7000220275	11948	BEACH CLUB WY	\$1,567.56
7000220285	11950	BEACH CLUB WY	\$1,567.56
7000220295	11952	BEACH CLUB WY	\$1,567.56
7000220335	11914	BEACH CLUB WY	\$1,567.56
7000220355	11906	BEACH CLUB WY	\$3,135.12
7000230025	11854	STARFISH LN	\$1,567.56
7000230035	11856	STARFISH LN	\$1,567.56
7000230045	11858	STARFISH LN	\$1,567.56
7000230055	11860	STARFISH LN	\$1,567.56
7000230065	11862	STARFISH LN	\$1,567.56
7000230075	11866	STARFISH LN	\$1,567.56
7000230085	11868	STARFISH LN	\$1,567.56
7000230095	11872	STARFISH LN	\$1,567.56
7000230105	11874	STARFISH LN	\$1,567.56
7000230115	11876	STARFISH LN	\$1,567.56
7000230125	11880	STARFISH LN	\$1,567.56
7000230135	11882	STARFISH LN	\$1,567.56
7000230155	11844	CORAL REEF LN	\$1,567.56
7000230165	11848	CORAL REEF LN	\$1,567.56
7000230175	11850	CORAL REEF LN	\$1,567.56
7000230185	11854	CORAL REEF LN	\$1,567.56
7000230195	11856	CORAL REEF LN	\$1,567.56

APN	Situs No	Situs Street	Assessment
7000230205	11858	CORAL REEF LN	\$1,567.56
7000230215	11862	CORAL REEF LN	\$1,567.56
7000230225	11864	CORAL REEF LN	\$1,567.56
7000230235	11866	CORAL REEF LN	\$1,567.56
7000230245	11870	CORAL REEF LN	\$1,567.56
7000230255	11872	CORAL REEF LN	\$1,567.56
7000230265	11874	CORAL REEF LN	\$1,567.56
7000230275	11876	CORAL REEF LN	\$1,567.56
7000230285	11880	CORAL REEF LN	\$1,567.56
7000230305	11838	EBB TIDE LN	\$1,567.56
7000230315	11836	EBB TIDE LN	\$1,567.56
7000230325	11840	EBB TIDE LN	\$1,567.56
7000230335	11842	EBB TIDE LN	\$1,567.56
7000230345	11846	EBB TIDE LN	\$1,567.56
7000230355	11848	EBB TIDE LN	\$1,567.56
7000230365	11850	EBB TIDE LN	\$1,567.56
7000230375	11854	EBB TIDE LN	\$1,567.56
7000230385	11856	EBB TIDE LN	\$1,567.56
7000230395	11858	EBB TIDE LN	\$1,567.56
7000230405	11862	EBB TIDE LN	\$1,567.56
7000230415	11864	EBB TIDE LN	\$1,567.56
7000230425	11866	EBB TIDE LN	\$1,567.56
7000230435	11868	EBB TIDE LN	\$1,567.56
7000230445	11870	EBB TIDE LN	\$1,567.56
7000230455	11874	EBB TIDE LN	\$1,567.56
7000240025	11912	WHALERS LN	\$1,567.56
7000240035	11914	WHALERS LN	\$1,567.56
7000240045	11916	WHALERS LN	\$1,567.56
7000240055	11920	WHALERS LN	\$1,567.56
7000240065	11922	WHALERS LN	\$1,567.56
7000240075	11924	WHALERS LN	\$1,567.56
7000240085	11926	WHALERS LN	\$1,567.56
7000240095	11928	WHALERS LN	\$1,567.56
7000240105	11934	WHALERS LN	\$1,567.56
7000240115	11936	WHALERS LN	\$1,567.56
7000240125	11938	WHALERS LN	\$1,567.56
7000240135	11940	WHALERS LN	\$1,567.56
7000240145	11942	WHALERS LN	\$1,567.56
7000240155	11946	WHALERS LN	\$1,567.56
7000240165	11948	WHALERS LN	\$1,567.56
7000240175	11950	WHALERS LN	\$1,567.56
7000240185	11952	WHALERS LN	\$1,567.56
7000240195	11956	WHALERS LN	\$1,567.56
7000240205	11958	WHALERS LN	\$1,567.56
7000240215	11962	WHALERS LN	\$1,567.56
7000240225	11964	WHALERS LN	\$1,567.56
7000240235	11966	WHALERS LN	\$1,567.56
7000240245	11968	WHALERS LN	\$1,567.56
7000240255	11972	WHALERS LN	\$1,567.56
7000240275	11896	WHITE WATER LN	\$1,567.56

APN	Situs No	Situs Street	Assessment
7000240285	11900	WHITE WATER LN	\$1,567.56
7000240295	11902	WHITE WATER LN	\$1,567.56
7000240305	11906	WHITE WATER LN	\$1,567.56
7000240315	11908	WHITE WATER LN	\$1,567.56
7000240325	11910	WHITE WATER LN	\$1,567.56
7000240335	11912	WHITE WATER LN	\$1,567.56
7000240345	11916	WHITE WATER LN	\$1,567.56
7000240355	11918	WHITE WATER LN	\$1,567.56
7000240365	11920	WHITE WATER LN	\$1,567.56
7000240375	11924	WHITE WATER LN	\$1,567.56
7000240385	11926	WHITE WATER LN	\$1,567.56
7000240395	11928	WHITE WATER LN	\$1,567.56
7000240405	11930	WHITE WATER LN	\$1,567.56
7000240415	11932	WHITE WATER LN	\$1,567.56
7000240425	11936	WHITE WATER LN	\$1,567.56
7000240435	11938	WHITE WATER LN	\$1,567.56
7000240445	11940	WHITE WATER LN	\$1,567.56
7000240455	11942	WHITE WATER LN	\$1,567.56
7000240465	11946	WHITE WATER LN	\$1,567.56
7000240475	11948	WHITE WATER LN	\$1,567.56
7000240485	11952	WHITE WATER LN	\$1,567.56
7000240495	11958	WHITE WATER LN	\$1,567.56
7000240505	11956	WHITE WATER LN	\$1,567.56
7000250015	11934	OCEANAIRE LN	\$1,567.56
7000250025	11930	OCEANAIRE LN	\$1,567.56
7000250035	11938	OCEANAIRE LN	\$1,567.56
7000250045	11940	OCEANAIRE LN	\$1,567.56
7000250055	11944	OCEANAIRE LN	\$1,567.56
7000250065	11946	OCEANAIRE LN	\$1,567.56
7000250075	11948	OCEANAIRE LN	\$1,567.56
7000250085	11952	OCEANAIRE LN	\$1,567.56
7000250095	11954	OCEANAIRE LN	\$1,567.56
7000250105	11956	OCEANAIRE LN	\$1,567.56
7000250115	11958	OCEANAIRE LN	\$1,567.56
7000250125	11962	OCEANAIRE LN	\$1,567.56
7000250135	11966	OCEANAIRE LN	\$1,567.56
7000250145	11968	OCEANAIRE LN	\$1,567.56
7000250175	41000	PACIFIC COAST HY	\$1,567.56
7000250185	41000	PACIFIC COAST HY	\$1,567.56
TOTAL			<u>\$ 213,188.16</u>

**VENTURA REGIONAL SANITATION DISTRICT**

**BOARD OF DIRECTORS**

**RESOLUTION NO. 23-01**

**RESOLUTION TO COLLECT SEWER SERVICE CHARGES ON THE COUNTY OF VENTURA PROPERTY TAX ROLLS FOR MALIBU BAY CLUB PARCELS**

**WHEREAS**, Ventura Regional Sanitation District (“VRSD”) is a duly authorized and formed pursuant to the County Sanitation District Act (Health & Safety Code Section 4700 et seq.); and

**WHEREAS**, VRSD owns and operates an onsite wastewater treatment system which employs tertiary treatment of wastewater at the Malibu Bay Club in accordance with permits issued by the Los Angeles Regional Water Quality Control Board; and

**WHEREAS**, VRSD operates the onsite wastewater treatment system for the specific benefit of Malibu Bay Club parcel owners as well as for the public health, safety and welfare; and

**WHEREAS**, California Health & Safety Code Sections 5473 et seq. authorizes and provides the VRSD with the option to collect its sewer service charges collected on the county tax roll; and

**WHEREAS**, VRSD has duly adopted Ordinance No. VRSD-115 on July 02, 2020 which established and approved sewer service charges to be imposed on any person owning any building or condominium served by the Malibu Bay Club onsite wastewater treatment system for fiscal years 2020-21 to 2024-25 and is incorporated herein by reference; and ;

**WHEREAS**, the Ventura County Auditor-Controller has established procedures that require VRSD to defend, indemnify, and hold harmless the County of Ventura from any challenge to VRSD’s utilization of the procedure established in California Health & Safety Code Section 5473.

**NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, THAT:**

1. The collection of sewer service charges specified in Section 25 of Ordinance No. VRSD-115 (Attachment 1) shall be made on the County Assessor’s tax roll for the County of Ventura pursuant to the provisions of California Health & Safety Code Section 5473 et. seq.; and
2. The Ventura Regional Sanitation District shall defend, indemnify, and hold harmless the County of Ventura and the Ventura County Auditor-Controller from any action arising from the Ventura Regional Sanitation District’s utilization of the procedure established in the California Health & Safety Code Section 5473 to collect sewer service charges.

**PASSED, APPROVED AND ADOPTED** this 1st day of June, 2023 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

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KEVIN KILDEE, Chairperson  
Board of Directors

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Juliet Rodriguez, Clerk of the Board

## **VENTURA REGIONAL SANITATION DISTRICT**

### **ORDINANCE NO. VRSD-115**

#### **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 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 2020-2021 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 30<sup>th</sup>, with the exception of FY 2021 which begins on July 2, 2020 and expires June 30, 2021. The Sewer Service Charge for each Fiscal Year shall be as follows:

<b>1</b>	<b>2</b>
<b>Fiscal Year</b>	<b>Monthly Service Charge per Residential Unit (Footnote (a))</b>
FY 2021	\$22.67 (b)
FY 2022	\$118.02 with CPI Adjustment
FY 2023	Previous FY charge + CPI Adjustment
FY 2024	Previous FY charge + CPI Adjustment
FY 2025	Previous FY charge + CPI Adjustment

(a) Effective July 2, 2020, and on July 1st of each fiscal year through fiscal year 2025, the

Monthly Sewer Service Charge shall be adjusted in the same percentage proportion that the Consumer Price Index of the Bureau of Labor Statistics of the U.S. Department of Labor for Urban Wage Earners and Clerical Workers, Los Angeles-Riverside-Orange County ("CPI") shall have increased or decreased the preceding January to December. 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.

(b) Monthly Service Charge for FY 2021 is reduced due to the one-time use of \$150,000 in the reserve balance.

**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 2, 2020. Upon its effective date, this Ordinance shall repeal and replace Ventura Regional Sanitation District Ordinance No. VRSD-114.

**PASSED, APPROVED AND ADOPTED** by the Ventura Regional Sanitation District Board of Directors on July 2, 2020, by the following votes:

**AYES:** R. Araiza, A Fox, J. Friedman, L. Hernandez, E. Jones, K. Kildee, W. Weirick, B. Perello

**NOES:** None

**ABSENT:** M. Austin

VENTURA REGIONAL SANITATION DISTRICT

By Bert E. Perello  
BERT PERELLO, Chairman  
Board of Directors

ATTEST:

Juliet I. B.  
Juliet Rodriguez  
Clerk of the Board

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