

**BIG BEAR AREA REGIONAL WASTEWATER AGENCY**

Regular Board Meeting of

July 24, 2019

At

5:00 p.m.

121 Palomino Drive

Big Bear City, California

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **PRESENTATION AND INTRODUCTION**
4. **APPROVAL OF AGENDA**
5. **CONSENT CALENDAR** – All matters listed on the Consent Calendar will be enacted by one motion at the appropriate time. There will be no separate discussion of these items. If a detailed discussion is necessary, any Board Member may request that an item be removed from the Consent Calendar and considered separately.
  - 5.A. Minutes of Regular Meeting on June 26, 2019 – Approve
  - 5.B. Monthly Expenses – Informational
  - 5.C. Governing Board Member Reimbursement – Approve
  - 5.D. Investment Report – Informational
  - 5.E. Operations and Connections Report – Informational
  - 5.F. Board Policy Review – Approve
6. **ITEMS REMOVED FROM CONSENT CALENDAR**
7. **PUBLIC FORUM RESPONSE**  
None

8. **PUBLIC FORUM** – The Public Forum portion of the meeting is an opportunity for members of the public to directly address the Governing Board on matters within the jurisdiction of this Agency. Ordinance No. 57 limits individual public testimony to three minutes or less. The cumulative time that an individual may provide public testimony during a meeting is fifteen minutes, and the public testimony shall be limited to thirty minutes for all speakers. Whenever a group of persons wishes to address the Governing Board on the same item, the Chair or the Governing Board by majority vote may request a spokesperson be chosen for the group or limit the number of such persons addressing the Governing Board. Since the discussion of an item not on the posted agenda is not allowed, these concerns may be addressed in a future meeting under “Public Forum Response.”

9. **CLOSED SESSION**

9.A. Public Employee Performance Evaluation  
Pursuant to Government Code Section 54957.6  
Title: General Manager

10. **OLD BUSINESS**

None

11. **NEW BUSINESS**

11.A. Appropriate \$820,000 (net \$205,000) for the Replenish Big Bear Project Phase II – Discussion and Possible Action

11.B. Appropriate \$15,000 for Cummins Electrical Breaker #1 from the Operating Contingency Fund and Authorize a Variance from the Budget – Discussion and Possible Action

11.C. Appropriate \$41,000 for Gate Valves from the Capital and Replacement Fund and Authorize a Variance from the Budget – Discussion and Possible Action

11.D. Constructive Receipt Doctrine – Discussion and Possible Action

11.E. 2019 BBARWA Operational Review – Discussion and Possible Action

11.F. Introduction and First Read of Ordinance No. O. 01-2019, An Ordinance of the Big Bear Area Regional Wastewater Agency Superseding Ordinance No. 03- 2001 Establishing a Policy for Potential Refund of Connection Fees and Replacing with Board Policy Connection Fee: Waiver, Reduction or Refund

12. **INFORMATION/COMMITTEE REPORTS**

12.A. General Manager update on the emergency work at the Lucerne Valley Reuse Facility

12.B. Plant Manager update on the emergency work for the Oxidation Ditch Splitter Box Gates and Splitter Box Repair Project

**12.C. Administrative Committee Meeting Update**

**12.D. Operations Committee Meeting Update**

**13. ADJOURNMENT**

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if you need special assistance to participate in an Agency meeting or other services offered by the Agency, please contact Kimberly Booth, Administrative Assistant at (909) 584-4018. Notification at least 48 hours prior to the meeting or time when services are needed will assist the Agency staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are on file in the office of the Big Bear Area Regional Wastewater Agency and are available for public inspection during normal business hours.

Visit [www.bbarwa.org](http://www.bbarwa.org) to view and/or print the Agenda Package

**BIG BEAR AREA REGIONAL WASTEWATER AGENCY**  
**REGULAR BOARD MEETING MINUTES**  
June 26, 2019

**1. CALL TO ORDER**

A Regular Meeting of the Governing Board of the Big Bear Area Regional Wastewater Agency was called to order by Chair Caretto at 5:00 p.m. on June 26, 2019, at 121 Palomino Drive, Big Bear City, California 92314.

**BOARD MEMBERS PRESENT**

David Caretto, Chair  
John Green, Vice Chair  
Rick Herrick, Director (arrived at 5:06 p.m.)  
Jim Miller, Director

**BOARD MEMBERS ABSENT**

Karyn Oxandaboure, Secretary

**STAFF MEMBERS PRESENT**

David Lawrence, General Manager  
Jennifer McCullar, Finance Manager  
John Shimmin, Plant Manager  
Bridgette Burton, Management Analyst  
Ryan Connelly, Plant Operator  
Kim Booth, Administrative Assistant

**2. PLEDGE OF ALLEGIANCE**

John Green, Vice Chair

**3. PRESENTATIONS AND INTRODUCTIONS**

3.A. Mr. Lawrence introduced Mr. Shimmin as the new Plant Manager.

**4. APPROVAL OF THE AGENDA**

Upon motion made by Director Miller, seconded by Vice Chair Green and carried, the Governing Board approved the agenda as presented.

Ayes: Caretto, Green, Miller  
Noes: None  
Absent: Herrick, Oxandaboure  
Abstain: None

**5. CONSENT CALENDAR**

**5.A. Minutes of Regular Board Meeting on April 24, 2019**

**5.B. Monthly Expenses**

**5.C. Governing Board Member Reimbursement**

**5.D. Investment Report**

**5.E. Operations and Connections Report**

**5.F. Third Quarter Report, Nine Months Ended March 31, 2019**

**5.G. Pay Schedule**

**5.H. Resolution No. R. 06-2019, A Resolution of the Governing Board of the Big Bear Area Regional Wastewater Agency Amending and Adopting Local Guidelines for Implementing the California Environmental Quality Act (PUBLIC RESOURCES CODE §§ 21000 ET SEQ.)**

Upon motion by Vice Chair Green, seconded by Director Miller and carried, the Governing Board approved the Consent Calendar as presented.

Ayes: Caretto, Green, Miller  
Noes: None  
Absent: Herrick, Oxandaboure  
Abstain: None

**6. ITEMS REMOVED FROM THE CONSENT CALENDAR**

None

**7. PUBLIC FORUM RESPONSE**

None

**8. PUBLIC FORUM**

No comments

**9. OLD BUSINESS**

None

## **10. NEW BUSINESS**

### **10.A. Appropriate \$87,000 from the Operating Contingency Fund for a Variance from the Budget**

Ms. McCullar explained that the variance from the budget is due to an increase in the transportation costs for natural gas (\$45,000) and higher electricity costs (\$42,000) related to switching to Bear Valley Electric Service during the year. Discussion ensued between the Governing Board and staff.

Upon motion by Director Miller, seconded by Vice Chair Green and carried, the Governing Board approved the Appropriation of \$87,000 from the Operating Contingency Fund for a Variance from the Budget.

Ayes: Caretto, Green, Herrick, Miller  
Noes: None  
Absent: Oxandaboure  
Abstain: None

### **10.B. Resolution No. R. 07-2019, A Resolution of the Governing Board of the Big Bear Area Regional Wastewater Agency Approving the Agency's Proposal for the United States Department of the Interior Bureau of Reclamation's WaterSMART: Title XVI WIIN Water Reclamation and Reuse Project Grant Application for the Replenish Big Bear Project and Designating an Authorized Representative**

Mr. Lawrence discussed the Agency's proposal for this grant opportunity and the probability of applying for the next funding cycle. Discussion ensued between the Governing Board and staff.

Upon motion by Director Herrick, seconded by Director Miller and carried, the Governing Board approved Resolution No. R. 07-2019.

Ayes: Caretto, Green, Herrick, Miller  
Noes: None  
Absent: Oxandaboure  
Abstain: None

**10.C. Resolution No. R. 08-2019, A Resolution of the Governing Board of the Big Bear Area Regional Wastewater Agency Making Emergency Findings and Authorizing an Emergency Contract for the Oxidation Ditch Splitter Box Gates and Splitter Box Repair; Appropriate \$73,750 for Emergency Contract**

Mr. Lawrence detailed the additional items that have failed or are in need of repair since the September 2018 Board Meeting in which this item was originally approved. Discussion ensued between the Governing Board and staff.

Upon motion by Vice Chair Green, seconded by Director Herrick and carried, the Governing Board approved Resolution No. R. 08-2019 and an Appropriation of \$73,750 for an Emergency Contract for the Oxidation Ditch Splitter Box Gates and Splitter Box Repair.

Ayes: Caretto, Green, Herrick, Miller  
Noes: None  
Absent: Oxandaboure  
Abstain: None

**11. INFORMATION/COMMITTEE REPORTS**

**11.A. General Manager Update on the Emergency Work at the Lucerne Valley Reuse Facility**

Mr. Lawrence provided an update on the project and explained the ongoing issues with the vault lid. The project will be complete once the vault lid is installed.

**12. ADJOURNMENT**

With no further business to come before the Governing Board, Chair Caretto adjourned the meeting at 5:42 p.m.

ATTEST: \_\_\_\_\_  
Karyn Oxandaboure, Secretary of the Governing  
Board of the Big Bear Area Regional Wastewater  
Agency

\_\_\_\_\_  
Kim Booth, Administrative Assistant  
Big Bear Area Regional Wastewater  
Agency



Big Bear Area Regional  
Wastewater Agency  
*David Caretto – Chair*  
*John Green – Vice Chair*  
*Karyn Oxandaboure – Secretary*  
*Rick Herrick – Director*  
*Jim Miller – Director*

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**AGENDA ITEM: 5.B.**

**MEETING DATE:** July 24, 2019

**TO:** Governing Board of the Big Bear Area Regional Wastewater Agency

**FROM:** David Lawrence, P.E., General Manager *DL*

**PREPARED BY:** Jennifer McCullar, Finance Manager

**SUBJECT:** Monthly Expenses

**BACKGROUND:**

Attached is the Agency's June check register which reflects accounts paid during the period.

**FINANCIAL IMPACT:**

There is no financial impact. The funds have been previously appropriated.

**RECOMMENDATION:**

Informational

Moved: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Abstain/Absent: \_\_\_\_\_

Approved Date: \_\_\_\_\_ Witness: \_\_\_\_\_

Secretary of the Governing Board



**Big Bear Area Regional Wastewater Agency**  
**Check Register**  
**For the Period From Jun 1, 2019 to Jun 30, 2019**

Filter Criteria includes: 1) Accounts Payable only. Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
CASH 2180	6/3/19	CALIFORNIA STATE DISBURSEMENT UNIT	1000-20	126.00
CASH 2181	6/3/19	CA PERS 457 PROGRAM	1000-20	2,249.48
CASH 2182	6/3/19	CALPERS RETIREMENT	1000-20	2,325.93
CASH 2183	6/3/19	THE LINCOLN NAT'L LIFE INS CO	1000-20	3,251.89
CASH 2184	6/3/19	CALPERS RETIREMENT	1000-20	6,689.68
CASH 2185	6/4/19	PAYA	1000-20	19.99
CASH 2186	6/4/19	EMPLOYMENT DEVELOPMENT DEPARTMENT	1000-20	1,833.20
CASH 2187	6/4/19	PRINCIPAL FINANCIAL GROUP	1000-20	2,507.23
CASH 2188	6/4/19	INTERNAL REVENUE SERVICE	1000-20	6,030.78
CASH 2189	6/4/19	CALPERS HEALTH	1000-20	23,735.33
CASH 2190	6/5/19	VISION SERVICE PLAN	1000-20	323.40
CASH 2191	6/5/19	LINCOLN NATIONAL LIFE INSURANCE CO.	1000-20	1,068.06
19481	6/10/19	ACCENT COMPUTER SOLUTIONS, INC.	1000-20	681.14
19482	6/10/19	ACCU-SOURCE	1000-20	123.00
19483	6/10/19	AG TECH LLC	1000-20	22,671.19
19484	6/10/19	AMAZON CAPITAL SERVICES	1000-20	150.21
19485	6/10/19	ARAMARK UNIFORM SERVICES	1000-20	1,316.44
19486	6/10/19	KELLEY M. ARNOLD	1000-20	4,236.19
19487	6/10/19	ASBURY ENVIRONMENTAL SERVICE	1000-20	150.00
19488	6/10/19	BIG BEAR CITY COMMUNITY SERVICES DIST.	1000-20	511.04
19489	6/10/19	BEAR LAKE PROFESSIONALS, INC	1000-20	215.00
19490	6/10/19	BUTCHER'S BLOCK & BUILDING	1000-20	157.77
19491	6/10/19	BEAR VALLEY ELECTRIC	1000-20	8,070.86
19492	6/10/19	CAR QUEST OF BIG BEAR	1000-20	68.60
19493	6/10/19	COMMERCIAL DOOR COMPANY, INC.	1000-20	6,561.00
19494	6/10/19	DEPT OF PUBLIC WORKS	1000-20	230.00
19495	6/10/19	UNDERGROUND SERVICE ALERT	1000-20	182.20
19496	6/10/19	DIY HOME CENTER-BIG BEAR	1000-20	143.47
19497	6/10/19	DIRECT TV	1000-20	66.99
19498	6/10/19	DEPARTMENT OF WATER & POWER	1000-20	114.01
19499	6/10/19	FLYERS ENERGY	1000-20	1,347.09
19500	6/10/19	FRONTIER COMMUNICATIONS	1000-20	701.37
19501	6/10/19	GEIGER SUPPLY, INC	1000-20	342.13

**Big Bear Area Regional Wastewater Agency**  
**Check Register**  
**For the Period From Jun 1, 2019 to Jun 30, 2019**

Filter Criteria includes: 1) Accounts Payable only. Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
19502	6/10/19	GRAINGER	1000-20	1,601.92
19503	6/10/19	THE GRIZZLY	1000-20	241.00
19504	6/10/19	BEAR VALLEY BASIN GSA	1000-20	180.17
19505	6/10/19	HD INDUSTRIES	1000-20	73.63
19506	6/10/19	HEARTSMART.COM	1000-20	55.80
19507	6/10/19	VVIPA MEDICAL GROUP INC.	1000-20	682.00
19508	6/10/19	HUGHESNET	1000-20	102.33
19509	6/10/19	DAVID LAWRENCE	1000-20	196.93
19510	6/10/19	NAPA AUTO PARTS	1000-20	207.44
19511	6/10/19	CONSTANCE M. ALVARADO	1000-20	55.00
19512	6/10/19	PETTY CASH	1000-20	360.04
19513	6/10/19	PITNEY BOWES GLOBAL FINANCIAL SERVICES	1000-20	128.22
19514	6/10/19	ROCKWELL SOLUTIONS, INC.	1000-20	1,597.51
19515	6/10/19	RYAN R. ABELN	1000-20	13,225.00
19516	6/10/19	SPECTRUM BUSINESS	1000-20	1,334.69
19517	6/10/19	TWIN BEAR EQUIPMENT RENTAL, INC	1000-20	335.01
19518	6/10/19	USA BLUEBOOK	1000-20	649.15
19519	6/10/19	VALERO MARKETING & SUPPLY CO	1000-20	53.64
19520	6/10/19	WATER SYSTEMS CONSULTING, INC.	1000-20	39,797.90
19521	6/10/19	BRIDGETTE BURTON	1000-20	50.00
19522	6/10/19	DAVID LAWRENCE	1000-20	50.00
19523	6/10/19	JENNIFER MCCULLAR	1000-20	50.00
19524	6/10/19	JOHN SHIMMIN	1000-20	50.00
CASH 2192	6/17/19	CALIFORNIA STATE DISBURSEMENT UNIT	1000-20	126.00
CASH 2193	6/17/19	AMERICAN FIDELITY ASSURANCE CO	1000-20	634.98
CASH 2194	6/17/19	CALPERS RETIREMENT	1000-20	2,382.26
CASH 2195	6/17/19	CA PERS 457 PROGRAM	1000-20	2,645.48
CASH 2196	6/17/19	THE LINCOLN NAT'L LIFE INS CO	1000-20	3,251.89
CASH 2197	6/17/19	CALPERS RETIREMENT	1000-20	6,689.68
CASH 2198	6/18/19	EMPLOYMENT DEVELOPMENT DEPARTMENT	1000-20	1,747.12
CASH 2199	6/18/19	INTERNAL REVENUE SERVICE	1000-20	5,889.26
19525	6/21/19	ACCENT COMPUTER SOLUTIONS, INC.	1000-20	2,413.58
19526	6/21/19	NANCY SANTILLAN	1000-20	225.00

**Big Bear Area Regional Wastewater Agency**  
**Check Register**  
**For the Period From Jun 1, 2019 to Jun 30, 2019**

Filter Criteria includes: 1) Accounts Payable only. Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
19527	6/21/19	AMERICAN FIDELITY ASSURANCE CO	1000-20	509.60
19528	6/21/19	ALLISON MECHANICAL, INC.	1000-20	1,807.00
19529	6/21/19	AMAZON CAPITAL SERVICES	1000-20	921.03
19530	6/21/19	ARROWHEAD	1000-20	128.61
19531	6/21/19	BEST BEST & KRIEGER	1000-20	7,511.41
19532	6/21/19	BIG BEAR FIRE DEPARTMENT	1000-20	75.00
19533	6/21/19	BUSINESS CARD	1000-20	1,776.19
19534	6/21/19	CANON SOLUTIONS AMERICA, INC.	1000-20	741.51
19535	6/21/19	CLINICAL LAB OF SAN BERNARDINO	1000-20	673.00
19536	6/21/19	COUNTY OF SAN BERNARDINO SOLID WASTE M	1000-20	104.90
19537	6/21/19	ENVIRONMENTAL OUTSOURCE, INC.	1000-20	950.00
19538	6/21/19	EVANTEC CORPORATION	1000-20	201.18
19539	6/21/19	GRAINGER	1000-20	81.47
19540	6/21/19	JUST ENERGY SOLUTIONS INC.	1000-20	15,150.99
19541	6/21/19	RANDY J. SPITZ	1000-20	123.38
19542	6/21/19	NATIVESCAPES INC	1000-20	306.00
19543	6/21/19	RHONDA E. MURPHY	1000-20	290.00
19544	6/21/19	ROGERS, ANDERSON, MALODY & SCOTT, LLP	1000-20	5,180.00
19545	6/21/19	REBEL OIL CO., INC.	1000-20	1,759.87
19546	6/21/19	SAFETY-KLEEN	1000-20	299.83
19547	6/21/19	SOUTHERN CALIFORNIA EDISON	1000-20	33.69
19548	6/21/19	SCELZI ENTERPRISES, INC.	1000-20	544.84
19549	6/21/19	SERVICEMASTER 360 PREMIER CLEANING	1000-20	649.53
19550	6/21/19	SOUTHWEST GAS CORP	1000-20	12,915.49
19551	6/21/19	SOUTHWEST GAS	1000-20	550.11
19552	6/21/19	VERIZON WIRELESS	1000-20	290.21
19533V	6/21/19	BUSINESS CARD	1000-20	-1,776.19
19553	6/21/19	BUSINESS CARD	1000-20	1,311.19
CASH 2200	6/25/19	CALPERS CERBT	1000-20	13,794.90
CASH 2201	6/26/19	PAYA	1000-20	10,783.00
CASH 2202	6/26/19	PAYA	1000-20	1.50
CASH 2203	6/27/19	LEGALSHIELD	1000-20	161.50
CASH 2204	6/27/19	TEXAS LIFE INSURANCE COMPANY	1000-20	232.75

**Big Bear Area Regional Wastewater Agency  
Check Register**

**For the Period From Jun 1, 2019 to Jun 30, 2019**

Filter Criteria includes: 1) Accounts Payable only. Report order is by Date.

<b>Check #</b>	<b>Date</b>	<b>Payee</b>	<b>Cash Account</b>	<b>Amount</b>
CASH 2205	6/27/19	AMERICAN FIDELITY ASSURANCE CO	1000-20	591.14
<b>Total</b>				<b><u>263,957.9</u></b>



Big Bear Area Regional  
Wastewater Agency  
*David Caretto – Chair*  
*John Green – Vice Chair*  
*Karyn Oxandaboure – Secretary*  
*Rick Herrick – Director*  
*Jim Miller – Director*

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**AGENDA ITEM: 5.C.**

**MEETING DATE:** July 24, 2019

**TO:** Governing Board of the Big Bear Area Regional Wastewater Agency

**FROM:** David Lawrence, P.E., General Manager *DL*

**PREPARED BY:** Jennifer McCullar, Finance Manager

**SUBJECT:** Governing Board Member Reimbursement

**BACKGROUND:**

Attached is the June meeting record for each Governing Board Member and represents eligible compensation at a rate of \$150 per regular or special meeting pursuant to the Agency's Administrative and Personnel Policy, Board Member Reimbursement.

**FINANCIAL IMPACT:**

There is no financial impact. The funds have been previously appropriated.

**RECOMMENDATION:**

Approve

Moved: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Abstain/Absent: \_\_\_\_\_

Approved Date: \_\_\_\_\_ Witness: \_\_\_\_\_

Secretary of the Governing Board

**BIG BEAR AREA REGIONAL WASTEWATER AGENCY**

**REPORT OF MEETINGS ATTENDED**

Governing Board Member: Jim Miller

Date Submitted: 6-26-19

Month Covered: JUNE

BBARWA Regular Meeting Attended: \_\_\_\_\_ Date: 6-26-19 Compensation \$ 150

**PURPOSE**

BBARWA Special Meeting Attended: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

BBARWA Special Meeting Attended: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

BBARWA Special Meeting Attended: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

**PURPOSE**

BBARWA Committee Meeting Attended: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

BBARWA Committee Meeting Attended: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

BBARWA Committee Meeting Attended: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

**PURPOSE**

**Other Governing Board Approved Meetings:**

\_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

**TOTAL ENTITLED MONTHLY STIPEND (limited to 6 days per calendar month)** \$ \_\_\_\_\_

**Other Governing Board Approved Expenses (Governing Board Approved)**

Mileage: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

Lodging: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

Registration: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

Tuition: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

Meals: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

Note: Other Governing Board approved expenses receipts must be accompanied with the travel expense form "EXHIBIT B" and forwarded to Finance Manager or designee for reimbursement

**TOTAL OTHER EXPENSE REIMBURSEMENT:** \$ \_\_\_\_\_

**Uncompensated Meetings Attended:**

**PURPOSE**

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

**Total Amount Paid \$ 150**

RATES & CALCS	_____	CODING	AMOUNT
OPER. REVIEW	_____		
EXPEN. APP.	_____	_____	_____
FIN. REVIEW	_____	_____	_____

**BIG BEAR AREA REGIONAL WASTEWATER AGENCY**

**REPORT OF MEETINGS ATTENDED**

Governing Board Member: Rick Herrick

Date Submitted: 6-26-19

Month Covered: June

**BBARWA Regular Meeting Attended:** \_\_\_\_\_ Date: 6-26-19 **Compensation** \$ 150.00

**PURPOSE**

**BBARWA Special Meeting Attended:** \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

**BBARWA Special Meeting Attended:** \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

**BBARWA Special Meeting Attended:** \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

**PURPOSE**

**BBARWA Committee Meeting Attended:** \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

**BBARWA Committee Meeting Attended:** \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

**BBARWA Committee Meeting Attended:** \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

**PURPOSE**

**Other Governing Board Approved Meetings:**

\_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

**TOTAL ENTITLED MONTHLY STIPEND (limited to 6 days per calendar month)** \$ \_\_\_\_\_

**Other Governing Board Approved Expenses (Governing Board Approved)**

Mileage: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

Lodging: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

Registration: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

Tuition: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

Meals: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

Note: Other Governing Board approved expenses receipts must be accompanied with the travel expense form "EXHIBIT B" and forwarded to Finance Manager or designee for reimbursement

**TOTAL OTHER EXPENSE REIMBURSEMENT:** \$ \_\_\_\_\_

**Uncompensated Meetings Attended:**

**PURPOSE**

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

**Total Amount Paid \$ 150.00**

RATES & CALCS		CODING	AMOUNT
OPER. REVIEW	_____		
EXPEN. APP.	_____	_____	_____
FIN. REVIEW	_____	_____	_____

**BIG BEAR AREA REGIONAL WASTEWATER AGENCY**

**REPORT OF MEETINGS ATTENDED**

Governing Board Member: David Caretto

Date Submitted: 6-26-19

Month Covered: June

BBARWA Regular Meeting Attended: \_\_\_\_\_ Date: 6/26/19 Compensation \$ 150<sup>00</sup>

**PURPOSE**

BBARWA Special Meeting Attended: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

BBARWA Special Meeting Attended: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

BBARWA Special Meeting Attended: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

**PURPOSE**

BBARWA Committee Meeting Attended: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

BBARWA Committee Meeting Attended: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

BBARWA Committee Meeting Attended: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

**PURPOSE**

**Other Governing Board Approved Meetings:**

\_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

**TOTAL ENTITLED MONTHLY STIPEND (limited to 6 days per calendar month)** \$ 150<sup>00</sup>

**Other Governing Board Approved Expenses (Governing Board Approved)**

Mileage: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

Lodging: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

Registration: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

Tuition: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

Meals: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

Note: Other Governing Board approved expenses receipts must be accompanied with the travel expense form "EXHIBIT B" and forwarded to Finance Manager or designee for reimbursement

**TOTAL OTHER EXPENSE REIMBURSEMENT:** \$ \_\_\_\_\_

**Uncompensated Meetings Attended:**

**PURPOSE**

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

**Total Amount Paid** \$ 150<sup>00</sup>

RATES & CALCS		CODING	AMOUNT
OPER. REVIEW	_____		
EXPEN. APP.	_____	_____	_____
FIN. REVIEW	_____	_____	_____



**BIG BEAR AREA REGIONAL WASTEWATER AGENCY**

**REPORT OF MEETINGS ATTENDED**

Governing Board Member: John Green

Date Submitted: 6-26-19

Month Covered: June

BBARWA Regular Meeting Attended: \_\_\_\_\_ Date: 6-26-19 Compensation \$ 150-

**PURPOSE**

BBARWA Special Meeting Attended: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

BBARWA Special Meeting Attended: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

BBARWA Special Meeting Attended: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

**PURPOSE**

BBARWA Committee Meeting Attended: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

BBARWA Committee Meeting Attended: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

BBARWA Committee Meeting Attended: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

**PURPOSE**

**Other Governing Board Approved Meetings:**

\_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

**TOTAL ENTITLED MONTHLY STIPEND (limited to 6 days per calendar month)** \$ \_\_\_\_\_

**Other Governing Board Approved Expenses (Governing Board Approved)**

Mileage: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

Lodging: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

Registration: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

Tuition: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

Meals: \_\_\_\_\_ Date: \_\_\_\_\_ \$ \_\_\_\_\_

Note: Other Governing Board approved expenses receipts must be accompanied with the travel expense form "EXHIBIT B" and forwarded to Finance Manager or designee for reimbursement

**TOTAL OTHER EXPENSE REIMBURSEMENT:** \$ \_\_\_\_\_

**Uncompensated Meetings Attended:**

**PURPOSE**

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

**Total Amount Paid** \$ 150-

RATES & CALCS	CODING	AMOUNT
OPER. REVIEW	_____	_____
EXPEN. APP.	_____	_____
FIN. REVIEW	_____	_____



Big Bear Area Regional  
Wastewater Agency  
*David Caretto – Chair*  
*John Green – Vice Chair*  
*Karyn Oxandaboure – Secretary*  
*Rick Herrick – Director*  
*Jim Miller – Director*

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**AGENDA ITEM: 5.D.**

**MEETING DATE:** July 24, 2019

**TO:** Governing Board of the Big Bear Area Regional Wastewater Agency

**FROM:** David Lawrence, P.E., General Manager *DL*

**PREPARED BY:** Jennifer McCullar, Finance Manager

**SUBJECT:** Investment Report

**BACKGROUND:**

Attached is the June Monthly Investment Report pursuant to the Agency's Investment Policy.

**FINANCIAL IMPACT:**

No financial impact.

**RECOMMENDATION:**

Approve

Moved: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Abstain/Absent: \_\_\_\_\_

Approved Date: \_\_\_\_\_ Witness: \_\_\_\_\_

Secretary of the Governing Board

BBARWA  
 Monthly Investment Report  
 June 2019

<u>INVESTMENT TYPE</u>	<u>COST</u>	<u>FAIR MARKET VALUE (1)</u>	<u>YEAR TO DATE INTEREST(2)</u>	<u>INTEREST RATE</u>	<u>MATURITY DATE</u>
LOCAL AGENCY INVESTMENT FUND	\$ 7,055,235	\$ 7,056,272	126,496	2.449% (3)	DAILY
TOTAL	\$ 7,055,235	\$ 7,056,272	126,496		

The Investment Portfolio of the Big Bear Area Regional Wastewater Agency is in compliance with the investment policy approved in August 2018. The Agency will be able to meet its expenditure requirements for the next six months.

(1) LOCAL AGENCY INVESTMENT FUND (LAIF) IS A STATE-RUN INVESTMENT POOL PROVIDED FOR PUBLIC AGENCIES. THE LAIF MARKET VALUE SHOWN ON THIS TREASURER'S REPORT REPRESENTS BBARWA'S SHARE OF THE **LIQUID VALUE** OF LAIF'S PORTFOLIO IF IT WAS LIQUIDATED AS OF THE END OF THE REPORTED MONTH. THIS NUMBER SERVES AS AN INDICATOR OF WHETHER OR NOT THE **MARKET VALUE** OF LAIF'S INVESTMENTS IS ABOVE OR BELOW THE **COST** OF THOSE INVESTMENTS.

(2) Interest paid quarterly on LAIF investment. Amount reflects interest income received at the reporting date for FY 2019 and excludes accrued interest.

(3) Rate reflects the rate for May 2019. The rate for June 2019 was not published at the time of this report.

Attachment (s): Monthly LAIF Statement

**Local Agency Investment Fund**  
**P.O. Box 942809**  
**Sacramento, CA 94209-0001**  
**(916) 653-3001**

[www.treasurer.ca.gov/pmia-laif/laif.asp](http://www.treasurer.ca.gov/pmia-laif/laif.asp)  
 July 03, 2019

BIG BEAR AREA REGIONAL WASTEWATER AGENCY

FINANCE MANAGER  
 P.O. BOX 517  
 BIG BEAR CITY, CA 92314

PMIA Average Monthly Yields

**Account Number:**

Tran Type Definitions

June 2019 Statement

Effective Date	Transaction Date	Tran Type	Confirm Number	Authorized Caller	Amount
6/12/2019	6/12/2019	RW	1608305	JENNIFER MCCULLAR	-500,000.00

Account Summary

Total Deposit:	0.00	Beginning Balance:	7,555,235.38
Total Withdrawal:	-500,000.00	Ending Balance:	7,055,235.38



Big Bear Area Regional  
Wastewater Agency  
David Caretto – Chair  
John Green – Vice Chair  
Karyn Oxandaboure – Secretary  
Rick Herrick – Director  
Jim Miller – Director

**AGENDA ITEM: 5.E.**

**MEETING DATE:** July 24, 2019

**TO:** Governing Board of the Big Bear Area Regional Wastewater Agency

**FROM:** David Lawrence, P.E., General Manager *DL*

**PREPARED BY:** John Shimmin, Plant Manager *JS*; and Jennifer McCullar, Finance Manager

**REVIEWED BY:** Kim Booth, Administrative Assistant *KB*

**SUBJECT:** Operations and Connections Report

**OPERATIONS:**

**2019 Treatment Plant Data**

	April	May	June
Total Influent Flow (MG)	65.802	56.048	52.692
Average Daily Influent Flow (MGD)	2.19	1.81	1.70
City of Big Bear Lake	55.95%	53.25%	51.58%
Big Bear City	40.32%	42.71%	43.55%
County of San Bernardino	3.73%	4.04%	4.88%
Average Influent BOD (mg/L)	195	223	317
Average Effluent BOD (mg/L)	15	7	12
BOD Removal Efficiency (%)	92.3%	96.9%	96.2%
Precipitation (inch)	0.02	0.64	0.08

Moved: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Abstain/Absent: \_\_\_\_\_

Approved Date: \_\_\_\_\_ Witness: \_\_\_\_\_

Secretary of the Governing Board

June 2019- There were no reportable violations during this period.

**CONNECTIONS:**

MONTH								FYE 6/30/2019		
	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	CITY-BBL	CSD	CSA-53B
July	0	4	4	8	3	4	3	1	2	0
August	1	4	6	5	12	6	10	2	8	0
September	5	4	5	6	4	6	3	3	0	0
October	4	6	14	10	9	8	3	2	1	0
November	3	13	8	6	5	11	5	3	2	0
December	0	0	23	8	4	2	3	2	1	0
January	0	2	3	1	0	1	1	1	0	0
February	0	2	1	0	1	0	0	0	0	0
March	4	2	2	3	2	3	3	2	1	0
April	2	5	1	10	3	3	3	2	1	0
May	1	2	5	10	4	5	5	3	1	1
June	10	1	12	2	16	6	6	3	3	0
<b>TOTAL</b>	<b>30</b>	<b>45</b>	<b>84</b>	<b>69</b>	<b>63</b>	<b>55</b>	<b>45</b>	<b>24</b>	<b>20</b>	<b>1</b>

**FINANCIAL IMPACT:**

No financial impact.

**RECOMMENDATION:**

Informational



Big Bear Area Regional  
Wastewater Agency  
*David Caretto – Chair*  
*John Green – Vice Chair*  
*Karyn Oxandaboure – Secretary*  
*Rick Herrick – Director*  
*Jim Miller – Director*

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**AGENDA ITEM: 5.F.**

**MEETING DATE:** July 24, 2019

**TO:** Governing Board of the Big Bear Area Regional Wastewater Agency

**FROM:** David Lawrence, P.E., General Manager

**PREPARED BY:** Bridgette Burton, Management Analyst

**SUBJECT:** Board Policy Review

**BACKGROUND:**

Periodically, the Agency reviews its policies and procedures for accuracy and relevance. Board Policies are subject to review and approval by the Governing Board. On July 9, 2019, staff met with the Administrative Committee to review proposed revisions to Board Policy 2.1 Agenda – Adding or Removing an Item. Attached is a summary sheet of the proposed revisions and the policy.

**FINANCIAL IMPACT:**

There is no financial impact.

**RECOMMENDATION:**

Approve

**ATTACHMENTS:**

- Summary of Proposed Revisions
- 2.1 Agenda – Adding or Removing an Item (marked version to show revisions)
- 2.1 Agenda – Adding or Removing an Item

Moved: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Abstain/Absent: \_\_\_\_\_

Approved Date: \_\_\_\_\_ Witness: \_\_\_\_\_

Secretary of the Governing Board

**AGENDA ITEM: 5.F.**

**SUBJECT:** Board Policy Review

**SUMMARY OF PROPOSED REVISIONS:**

<b>Original Text</b>	<b>Proposed Revision</b>	<b>Reason for Revision</b>
<b>Section II.B.</b>		
Any Governing Board Member may place an item on an agenda.	Any Governing Board Member may place an item on an agenda <b>by notifying the General Manager.</b>	We recommend a central person to receive these requests.
<b>Section II.D.</b>		
Any member of the public may request that an item within the jurisdiction of BBARWA be placed on the agenda.	<b>Any member of the public may request that a matter directly related to BBARWA business be placed on the agenda of a regularly scheduled meeting of the Governing Board, subject to the following conditions:</b> 1. The request must be in writing and submitted to the General Manager using the form provided with supporting documentation and information, no later than 12:00 noon, fourteen (14) days prior to the meeting deadline. 2. The General Manager shall either place the request on the agenda or provide the request to the Chair of the Governing Board, along with any supporting documentation and information provided by the requestor. The Chair, at his/her discretion, may direct the General Manager to place the item on a future agenda. The Vice Chair may be consulted if the Chair is not available. 3. Since the public is not permitted to participate in the discussion of any closed session item, the public may not request that an item is discussed or considered in closed session.	We recommend adding the proposed language to the policy to: 1) define the procedure for the public to request an item be placed on the agenda, and 2) create consistency between Board Policies and page 18 of the Governing Board Handbook which was approved by the Governing Board on March 27, 2019.





**BOARD POLICY**  
**AGENDA – ADDING OR REMOVING AN ITEM**

**I. PURPOSE**

- A. To establish the policy for placing an item on or removing an item from the published agenda.

**II. POLICY**

- A. The General Manager determines aAgenda item(s) and placement of subject matter within the jurisdiction of BBARWA for regular and special meetings.
- B. Any Governing Board Member may place an item on an agenda by notifying the General Manager.-
- C. An aAgenda item may be removed prior to approval of the aAgenda by a majority Board vote.
- D. Any member of the public may request that a matter directly related to BBARWA business be placed on the agenda of a regularly scheduled meeting of the Governing Board, subject to the following conditions:
1. The request must be in writing and submitted to the General Manager using the form provided with supporting documentation and information, no later than 12:00 noon, fourteen (14) days prior to the meeting deadline.
  2. The General Manager shall either place the request on the agenda or provide the request to the Chair of the Governing Board, along with any supporting documentation and information provided by the requestor. The Chair, at his/her discretion, may direct the General Manager to place the item on a future agenda. The Vice Chair may be consulted if the Chair is not available.
  3. Since the public is not permitted to participate in the discussion of any closed session item, the public may not request that an item is discussed or considered in closed session.
- ~~D. Any member of the public may request that an item within the jurisdiction of BBARWA be placed on an agenda.~~

Committee Recommendation: ~~August 7, 2012~~ July 9, 2019

Board Approval: August 22, 2012



**BOARD POLICY**  
**AGENDA – ADDING OR REMOVING AN ITEM**

**I. PURPOSE**

- A. To establish the policy for placing an item on or removing an item from the published agenda.

**II. POLICY**

- A. The General Manager determines agenda item(s) and placement of subject matter within the jurisdiction of BBARWA for regular and special meetings.
- B. Any Governing Board Member may place an item on an agenda by notifying the General Manager.
- C. An agenda item may be removed prior to approval of the agenda by a majority Board vote.
- D. Any member of the public may request that a matter directly related to BBARWA business be placed on the agenda of a regularly scheduled meeting of the Governing Board, subject to the following conditions:
  - 1. The request must be in writing and submitted to the General Manager using the form provided with supporting documentation and information, no later than 12:00 noon, fourteen (14) days prior to the meeting deadline.
  - 2. The General Manager shall either place the request on the agenda or provide the request to the Chair of the Governing Board, along with any supporting documentation and information provided by the requestor. The Chair, at his/her discretion, may direct the General Manager to place the item on a future agenda. The Vice Chair may be consulted if the Chair is not available.
  - 3. Since the public is not permitted to participate in the discussion of any closed session item, the public may not request that an item is discussed or considered in closed session.

Committee Recommendation: July 9, 2019  
Board Approval:



25 percent of the total cost of planning, design, and construction. The Project Team elected to add this task to the scope and prepare an application for this grant program, which was submitted in June 2019. The total grant request was \$2,329,408 to support project activities expected to be conducted between October 1, 2019 and September 30, 2021, which is the eligible reimbursement period for this FOA. The application is under review and a response from USBR is expected by the end of 2019. If additional FOAs are released in the future, the Project will be eligible to apply for additional grant funds for later phases of the Project, up to a maximum of 25 percent of the total Project cost.

**Prepare Prop 1 IRWM Grant Application (Budget: \$25,000):** The original Phase I scope included participation in the Santa Ana Watershed Project Authority (SAWPA) stakeholder process to identify projects to be included in the Santa Ana Region Prop 1 Integrated Regional Water Management (IRWM) Grant Application to the California Department of Water Resources (DWR). That scope is complete and, as a result of this process, Replenish Big Bear was ranked as the #1 large project in the upper Santa Ana River Watershed and SAWPA recommended a proposed grant award of \$4,563,338. This was a preliminary step and additional work is needed for the next steps, which are to coordinate further with SAWPA to validate this recommendation with DWR and prepare a Prop 1 IRWM Grant Application for submittal to DWR. The Pre-Application Workshop with DWR is scheduled for mid-August and the grant application is expected to be submitted to DWR in mid-October.

**Additional Regulatory Analysis and Coordination (Budget: TBD):** The regulatory pathway for permitting the new discharge to Stanfield Marsh and Big Bear Lake was anticipated to be complex due to very stringent water quality standards for the lake. Through ongoing coordination with the Regional Water Quality Control Board, the Division of Drinking Water and the United States Environmental Protection Agency, the Project Team is making progress toward identifying a regulatory strategy for the Project that, if accepted by the regulators, could reduce the Project cost and be implemented in the shortest timeframe. However, there are unique challenges that the regulators have not encountered before and the proposed regulatory approach is unconventional. The regulatory coordination process is taking more coordination, analysis, and meetings than originally anticipated. The original budget for regulatory analysis and coordination is exhausted, and it is anticipated that additional effort will be required to finalize the regulatory strategy, define next steps, and prepare the technical studies that will be required to obtain the necessary permits and approvals for the Project. Available funds from technical contingency are sufficient to cover the anticipated near-term activities, but it is possible that an additional budget will be needed to complete the regulatory coordination process. The scope and budget for completion of the regulatory analysis and coordination process will be updated based on the feedback received from the regulators at the next meeting on July 19, 2019.

## **DISCUSSION:**

GSA Member Agencies have expressed an interest in establishing project expectations in consideration of a financial commitment. At this point, without a well-defined project, consideration is undeterminable. The cost-sharing and reimbursement agreement is expected to contain an express intent that the GSA Member Agencies will benefit from the Project and an

understanding that each may decline to participate in future funding (beyond the current cost-sharing) of the Project.

The Phase I scope of work for this project is approximately 60% complete with a contract expiration of August 31, 2019. Phase II focuses on program management and engineering services including funding procurement, outreach support, stakeholder coordination, and regulatory analysis and coordination. We recommend authorizing Phase II and entering into an agreement for the remainder of the proposal.

**FINANCIAL IMPACT:**

The net impact after cost-sharing is \$205,000 or 25% of the \$820,000 budget. The funds were previously appropriated; however, the Agency will need to enter into an agreement to continue to cost-share this new amount.

**RECOMMENDATION:**

1. Appropriate \$820,000 to WSC for funding of Phase II. Costs will be shared among GSA Member Agencies, resulting in a net cost to BBARWA not to exceed \$205,000.
2. Authorize the General Manager to enter into an agreement with WSC and among the GSA Member Agencies that provide for the cost-sharing and reimbursement associated with the above appropriation.



Big Bear Area Regional  
Wastewater Agency  
*David Caretto – Chair*  
*John Green – Vice Chair*  
*Karyn Oxandaboure – Secretary*  
*Rick Herrick – Director*  
*Jim Miller – Director*

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**AGENDA ITEM: 11.B.**

**MEETING DATE:** July 24, 2019

**TO:** Governing Board of the Big Bear Area Regional Wastewater Agency

**FROM:** David Lawrence, P.E., General Manager *DL*

**PREPARED BY:** John Shimmin, Plant Manager *JS*

**SUBJECT:** Appropriate \$15,000 for Cummins Electrical Breaker #1 from the Operating Contingency Fund and Authorize a Variance from the Budget

**BACKGROUND & DISCUSSION:**

The Agency needs to replace Cummins Electrical Breaker #1 to operate the Cummins Generator. The existing breaker is worn, trips under load, and will not stay closed during engine operations. The engine cannot operate to supply electrical power to the facility without a fully functional breaker. An outside contractor will perform the installation.

**FINANCIAL IMPACT:**

The Agency has adequate funds in the Operating Contingency Fund to make the appropriation.

**RECOMMENDATION:**

Appropriate \$15,000 for the purchase and installation of Cummins Electrical Breaker #1 from the Operating Contingency Fund and authorize a variance from the budget.

Moved: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Abstain/Absent: \_\_\_\_\_

Approved Date: \_\_\_\_\_ Witness: \_\_\_\_\_

Secretary of the Governing Board



Big Bear Area Regional  
Wastewater Agency  
*David Caretto – Chair*  
*John Green – Vice Chair*  
*Karyn Oxandaboure – Secretary*  
*Rick Herrick – Director*  
*Jim Miller – Director*

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**AGENDA ITEM: 11.C.**

**MEETING DATE:** July 24, 2019

**TO:** Governing Board of the Big Bear Area Regional Wastewater Agency

**FROM:** David Lawrence, P.E., General Manager *[Signature]*

**PREPARED BY:** John Shimmin, Plant Manager *[Signature]*

**SUBJECT:** Appropriate \$41,000 for Gate Valves from the Capital and Replacement Fund and Authorize a Variance from the Budget

**BACKGROUND & DISCUSSION:**

Gate valves allow treated effluent to flow from the South Pond to the North Pond. The valves need to seat properly for staff to isolate the ponds for cleaning, circulation, and algae removal. Currently, the valves are a butterfly style, which are not working correctly due to debris such as tumbleweeds blocking the valve closure mechanism. Staff proposes to replace the butterfly valves with gate valves, which are designed to seal in the housing of the valve body to ensure closure of the valve. Due to the location of the valves, access is limited, and the gate valve style will allow staff to operate the valves to clear out blockages. Plant staff will install the new gate valves.

**FINANCIAL IMPACT:**

The Agency has adequate funds in the Capital and Replacement Fund to make the appropriation.

**RECOMMENDATION:**

Appropriate \$41,000 for gate valves from the Capital and Replacement Fund and authorize a variance from the budget.

Moved: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Abstain/Absent: \_\_\_\_\_

Approved Date: \_\_\_\_\_ Witness: \_\_\_\_\_

Secretary of the Governing Board



Big Bear Area Regional  
 Wastewater Agency  
*David Caretto – Chair*  
*John Green – Vice Chair*  
*Karyn Oxandaboure – Secretary*  
*Rick Herrick – Director*  
*Jim Miller – Director*

**AGENDA ITEM: 11.D.**

**MEETING DATE:** July 24, 2019

**TO:** Governing Board of the Big Bear Area Regional Wastewater Agency

**FROM:** David Lawrence, P.E., General Manager *DL*

**PREPARED BY:** Jennifer McCullar, Finance Manager

**SUBJECT:** Constructive Receipt Doctrine

**BACKGROUND & DISCUSSION:**

The Constructive Receipt Doctrine is codified in Treasury Regulation Section 1.451-2(a). It provides that income is constructively received “in the taxable year during which it is credited to [the taxpayer’s] account, set apart for him, or otherwise made available so that he may draw upon it at any time, or so that he could have drawn upon it during the taxable year if notice of intention to withdraw had been given.” The Internal Revenue Service has found that if an employee has the right to request a cash out of accrued leave at any time, the “leave accruals are includable in the gross income of the employee as they are credited to his account during the taxable year.” (See PLR 9009052; see also PLR 9227035 and PLR 9419025)

In cases where the Agency’s policies allow eligible employees to have the unfettered right to elect to cash out leave or elect compensatory time in lieu of overtime pay, all employees eligible to make the election under the policies are deemed to have elected to have received the cash equivalent of what they could have elected and should be taxed whether or not they actually received cash.

If corrective measures are not taken, the Agency risks being subject to substantial administrative corrections (e.g., issuing corrected Forms W-2, Forms 941, and Forms DE 9) and costs, as well as potential penalties (e.g., underwithholding and underpayment penalties ranging from 10-25%) if it is discovered by the Internal Revenue Service during an audit. It is likely that BBARWA would also be subject to complaints from employees who would be required to submit corrected Forms 1040 for prior years.

Moved: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Abstain/Absent: \_\_\_\_\_

Approved Date: \_\_\_\_\_ Witness: \_\_\_\_\_

Secretary of the Governing Board



In order to correct the issue, the Agency has a variety of options:

Option 1. One of the simplest ways to correct the issue would be to revoke it, and no longer allow employees to cash out leave. However, we understand that this is not likely a viable option because certain employees may have grown to depend on the additional source of funds.

Option 2. The Agency could require that all leave accrued during the year that exceeds a certain threshold be cashed out on a mandatory basis. Leave that does not exceed the threshold would not be eligible for cash out.

Option 3. The Agency could require that employees make an irrevocable election to cash out a specified number of hours prior to when those hours are earned and accrued. For example, the Agency could require that employees submit an irrevocable election by December 31 to cash out leave that will be accrued in the following calendar year. It is also possible to set shorter periods of time for which the election is made—e.g., on a quarterly or semi-annual basis. The crucial component is that the election is made prior to when the leave is earned and accrued, and that it is irrevocable. This is a common approach.

Staff is recommending a combination of Option 2 and Option 3. We believe the proposed changes provide the employees with the flexibility to continue to maintain accrued leave balances as well as the ability to cash out time as needed and effectively manage the administrative burden of advance elections. In summary, the proposed changes provide for six-month advance elections of 1) vacation and sick leave cash outs and 2) compensatory time in lieu of overtime pay; and provide for an annual mandatory cash out of compensatory time and administrative leave in excess of 40 hours.

#### **FINANCIAL IMPACT:**

The initial mandatory cash out under the new provisions will create a larger initial cash outlay (compared to subsequent cash outs) and will reduce the liability of accrued time on the Agency's balance sheet. This initial cash outlay is estimated to be approximately \$20,000 (as of July 5, 2019) and represents the time that has already been expensed and is carried as a liability until it is used or cashed out.

#### **RECOMMENDATION:**

Approve the recommended changes to the personnel manual (see attachments). Changes include 1) provisions to comply with the Constructive Receipt Doctrine, 2) new language to provide for proration of floating holiday time and administrative leave for new hires, 3) adding floating holiday time to compensatory and administrative leave balances (previously added to vacation leave balances), and 4) modifying the Base Pay definition to include longevity pay (clarification).

**ATTACHMENTS:**

- Personnel Policies and Procedures Manual Sections 1.08, 5.02, 8.02, 8.05, 8.06 (marked to show revisions)
- Personnel Policies and Procedures Manual revised Sections

## 1.08 Definition of Terms

Capitalized terms used in this Personnel Manual shall be defined as follows:

**Acting Appointment** – An appointment of a person who possesses at least the minimum qualifications established for a particular class and who has been appointed to a position in that class in the absence of available eligibles, or on an interim basis pending later appointment of an eligible person.

**Advancement** – A pay increase within the limits of a pay range established for a class.

**Agency** – The Big Bear Area Regional Wastewater Agency.

**Anniversary Date** – For employees hired on December 21, 1996, the in-service date shall be the date last hired by the Big Bear City Community Services District. The in-service date for employees hired or rehired after December 21, 1996 shall be the date of hire by the Agency.

**Applicant** – Any person submitting a formal completed application for employment with the Agency.

**Authorized Position** – A specific work position within a job classification which is or may be held by an employee.

**Base Pay** – *The regular hourly rate of pay, or equivalent, plus longevity pay.*

***Bin Truck*** – *The commercial vehicle used for hauling treated wastewater solids (sludge.) Treated wastewater solids do not include grit or screenings. (03/26/2014)*

**Board** – The Governing Board of the Agency.

**Class** – All positions sufficiently similar in duties, authority, and responsibility, to permit grouping under a common title and with equitable and common standards of selection, transfer, demotion and pay.

**Continuous Employment** – Employment which is uninterrupted.

**Contract Employees** – Contract employees are those individuals that are employed by the Agency pursuant to the terms of an individual employment contract which sets forth terms and conditions of employment. The provisions of this Personnel Manual are applicable to contract employees. If the individual's employment contract conflicts with the provisions of the Personnel Manual, the individual's employment contract shall supersede.

**Days** – Means calendar days unless otherwise stated.

**Demotion** – The movement of an employee from one class to another class having a lower maximum pay rate.

**Department** – A major administrative branch of the Agency involving a general line of work with one or more employees under the charge of one or more individuals known as supervisors.

## SECTION 5 EMPLOYMENT HOURS

### 5.01 All Employees

The official workweek for employees regularly assigned to an eight (8) hour per workday schedule shall begin on Saturday at 12:01 a.m. and end at 12:00 p.m. on the following Friday.

The normal workday consists of eight (8) hours, with a 10-minute break during the first four hours and a 10-minute break during the second four hours of work. Employees receive a 30-minute meal period, which is not included in the eight (8) hour workday. Employees are encouraged to take their meal period and breaks and record their meal time. Employees assigned to a modified work schedule (e.g., 9/80, 4/10, etc.) by the General Manager are subject to a different workweek based on the modified schedule.

If workload demands do not allow for an uninterrupted 30-minute meal break, the employee will be paid through the meal break. Employee may be provided with a meal when working at field locations if the work does not allow sufficient break time for the employee to eat elsewhere, as determined by the job supervisor.

### 5.02 Exempt Status

- ~~1. — Employees designated as Exempt are not eligible for overtime pay or compensatory time for working hours over and above the normal daily work schedule. Exempt employees are granted eighty (80) hours of entitled to administrative leave on July 1<sup>st</sup> of each year, to a maximum of eighty (80) hours per fiscal calendar year, granted on July 1<sup>st</sup>. Exempt employees hired during the fiscal year receive a pro-rated amount, based on days of employment from the hire date to the end of the fiscal year. ~~may elect to be compensated for administrative time granted but not taken at the current rate of pay. Exempt employees may accrue up to one hundred (100) hours of administrative leave. Unused administrative leave shall be paid at termination. (09/26/2018)~~~~

1. Payment of Administrative Leave at Separation

All unused administrative leave at termination shall be paid at the employee's current Base Pay.

2. Payment of Unused Administrative Leave on an Annual Basis:

Unused administrative leave will be determined based on the amount of administrative leave that is unused as of the last day of the last pay period ending in June. A cash payment (at the employee's current Base Pay) for the unused administrative leave in excess of forty (40) hours will be included in the employee's paycheck for the last pay period ending in June.

For example: If the last full pay period in June 2020 ends on June 30, the employee will receive a cash payment for unused administrative leave in excess of 40 hours as of June 30.

### **5.03 Exempt Employee Absences**

Exempt employees are paid on a salary basis and are expected to complete the number of hours necessary to meet the responsibilities of their respective jobs. Normally this will require at least 80 hours per pay period, subject to the control of the General Manager. Under the Agency's pay system, an exempt employee who is absent for personal reasons or because of illness or injury shall have his or her pay subject to reduction for such absence if the employee does not have sufficient accrued vacation, sick leave, or other paid leave to cover such period of absence.

### **5.04 Time Cards**

Non-exempt employees designated by management to utilize timekeeping requirements such as time cards, etc., shall ensure that all entries indicated thereon are accurate. No employee shall fill out the time log or punch the time card of another employee. However, administrative staff may make minor corrections when reviewing such time cards. All corrections will be initialed and reviewed with the affected employee. The affected employee will initial the correction to acknowledge his/her awareness of the correction. Falsification of such records is a serious offense and will subject the violators to disciplinary action.

Hours worked by non-exempt employees should be rounded to the nearest half-hour worked. For example, if the employee worked 14 minutes or less, round down to the nearest half-hour. If the employee worked 15 minutes or more round up to the nearest half-hour. Time cards must be completed in ink.

If an employee's scheduled day off falls on a paid holiday or paid additional day off, the employee must arrange with their supervisor for an alternate day off with pay during the same pay period.

## 8.02 Additional Days Off

At the discretion of the General Manager, Finance Manager, and Plant Manager, Regular employees may receive one additional day (total of two) as an authorized day off with pay when Christmas Day and New Year's Day fall on a Tuesday through Friday. These days will not be considered holidays, but days off at straight-time pay.

If scheduled for duty on a non-holiday paid-day-off, the employee must arrange with their supervisor for an alternate day off with pay during the same pay period.

All Regular employees ~~will~~ receive Floating Leave Hours, (24 hours total) on ~~July~~ January 1<sup>st</sup> each year. Regular employees hired during the fiscal year receive a pro-rated amount (based on the days of employment from the hire date to the end of the fiscal year). These days will not be considered holidays, but days off at straight-time pay. Floating leave hours are credited to Compensatory Time accrual for non-exempt employees and Administrative Leave accrual for Exempt employees.

## 8.03 Sick Leave

1. Accrual.
  - A) Regular employees accrue sick leave for each payroll period completed, prorated on the basis of twelve (12), eight (8) hour days per year. Regular Part-time employees shall accrue such leave on a pro-rata basis. Employees in regular positions budgeted less than eighty (80) hours per pay period or job shared positions shall receive sick leave accumulation on a pro-rata basis.
  - B) *Non-Regular employees receive 3 days (24 hours) of sick leave with the first payroll period completed and at each anniversary date of continued employment as a Non-Regular employee. Sick leave does not accrue or carry over to subsequent years if unused. (05/27/2015)*
  - C) Earned sick leave shall be available for use the first day following the payroll period in which it is earned. In no event shall an employee be entitled to receive sick leave with pay in excess of the number of sick leave days accrued at the time of illness. An employee who has exhausted accrued sick leave and who is unable to work due to illness or injury may utilize other accumulated leave, if any. If the employee has exhausted both sick leave and vacation leave accruals, the employee may be placed on unpaid leave.
2. Use. The following are considered appropriate uses of sick leave accrual:
  - A) Employees may use accrued sick leave for personal illness or injury.

## 8.05 Compensatory Time

A non-exempt employee may elect to accrue compensatory time in lieu of overtime pay. ~~Those employees eligible for compensatory time accrual may accrue such time to a maximum of one hundred twenty (120) hours. All non-exempt employees electing to accrue compensatory time in lieu of overtime pay must make an election on the form provided by the Agency twice a year. Each six months employees may elect to receive compensatory time for overtime worked during the election period. The employee must submit an Overtime Compensation Form to Human Resources as set forth in the chart below.~~

<u>Election Effective For</u>	<u>Last Day to Submit Overtime Compensation Form</u>	<u>Election Period</u>
<u>First Half (July 1 – December 31)</u>	<u>5:00 p.m. on the earlier of: (1) June 30 of the preceding half; or (2) the last business day of the preceding half.</u>	<u>The first pay period ending in July through the last pay period ending in December.</u>
<u>Second Half (Jan 1 – June 30)</u>	<u>5:00 p.m. on the earlier of: (1) December 31 of the preceding half; or (2) the last business day of the preceding half.</u>	<u>The first pay period ending in January through the last pay period ending in June.</u>

If the employee does not submit a form electing to receive compensatory time for time worked in lieu of overtime pay, the employee will receive overtime pay.

Compensatory time shall be calculated at the applicable rate multiplier for the number of overtime hours worked. Compensatory time earned must be reported on the employee's time card and submitted to the payroll department. ~~Compensatory time used shall also be reported on the employee's time card and submitted to the payroll department. (04/27/2016)~~

Employees shall be encouraged to use compensatory time as quickly as possible depending on the workload of the assigned department. Please see Section 8.06 Payment of Accrued Time for information related to annual payment of accrued and unused compensatory time pay.

## 8.06 Payment of Accrued Time

### 1. Payment at Separation

~~Agency e~~Employees are eligible for payment of accrued vacation time, accrued compensatory time, and accrued sick time at separation ~~and on a quarterly basis during employment~~ (payment of accrued administrative leave is limited to Exempt employees and is addressed in Section 5.02). At separation, the Agency will pay

the employee for accrued time at the employee's final Bbase Ppay as outlined in the chart below, ~~provided that the separation is voluntary~~. If separation is involuntary, accrued sick time will be ineligible for payment by the Agency. Involuntary separation includes termination for cause or resignation in lieu of termination.

~~Employees are eligible for quarterly payment of accrued time during employment. Quarterly payment of accrued vacation and sick time will be limited to the amount of accrued vacation and sick time in excess of 360 hours (on a combined basis) at the time the request is submitted. A form (the Payment of Accrued Time form) shall be submitted by the employee prior to each March 31, June 30, September 30 and December 31 to request payment of accrued time. Payment will be included in the employee's paycheck for the first payroll period ending after the calendar quarter in which the Payment of Accrued Time form was submitted.~~

<u>Accrued Time</u>	<u>Payment at Separation</u>
<u>Vacation</u>	<u>100% of Accrued Time</u>
<u>Sick</u>	<u>50% of Accrued Time *</u>
<u>Compensatory</u>	<u>100% of Accrued Time</u>
<u>*Payment at separation will occur only if separation is on a voluntary basis and the employee has completed five years of service. There will be no payment of accrued sick time if separation is involuntary.</u>	

#### Payment of Accrued Time

Accrued Time	Payment at Separation	Quarterly Payment During Employment	Requirements
Vacation	100% of Accrued Time	Not to exceed 24 hours during any 12-month period.	Payment is limited to the amount of accrued vacation and sick time in excess of 360 hours (on a combined basis).
Sick	50% of Accrued Time payable at full <u>Bbase Ppay rate (a)</u>	Accrued Time payable at 50% of <u>Bbase Ppay rate</u>	Payment is limited to the amount of accrued vacation and sick time in excess of 360 hours (on a combined basis). Five years of service.
Compensatory	100% of Accrued Time	100% of Accrued Time	None

1. ~~Payment at separation will occur only if separation is on a voluntary basis and the employee has completed five years of service. There will be no payment of accrued sick time if separation is involuntary.~~

2. Payment on a Semi-Annual Basis – Vacation and/or Sick Leave.



Each six months employees may elect to receive a cash payment for vacation, and/or sick time that will be earned and accrued during the following six months. The employee must submit a Payment of Accrued Time Form to Human Resources as set forth in the chart below.

<u>Election Effective For</u>	<u>Last Day to Submit Payment of Accrued Time Form</u>	<u>Election Period</u>
<u>First Half (July 1 – December 31)</u>	<u>5:00 p.m. on the earlier of: (1) June 30 of the preceding half; or (2) the last business day of the preceding half.</u>	<u>The first pay period ending in July through the last pay period ending in December.</u>
<u>Second Half (Jan 1 – June 30)</u>	<u>5:00 p.m. on the earlier of: (1) December 31 of the preceding half; or (2) the last business day of the preceding half.</u>	<u>The first pay period ending in January through the last pay period ending in June.</u>

For the First–Half Election Period, payment will be included in the employee’s paycheck for the last payroll period ending in December. For the Second-Half Election Period, payment will be included in the employee’s paycheck for the last payroll period ending in June. The amount an employee may elect to cash out each half is limited to the amount of time he or she earns and accrues during the election period (see chart above).

For example: Assume an employee elects on June 30 to cash out 16 hours of vacation time during the First Half (July 1 – December 31). The employee, however, only earned and accrued 8 hours of vacation time during the election period for the First Half. The employee’s payment for accrued vacation time is limited to those 8 hours.

The additional requirements related to the semi-annual election are outlined in the chart below.

<u>Accrued Time</u>	<u>Limitation of Payment During Employment</u>	<u>Requirements</u>
<u>Vacation</u>	<u>Not to exceed 24 hours during any 12-month period</u>	<ul style="list-style-type: none"> <li>• <u>Employee must submit a timely Payment of Accrued Time Form.</u></li> <li>• <u>Payment is limited to the amount of accrued vacation and sick time in excess of 360 hours (on a combined basis).</u></li> </ul>

		<ul style="list-style-type: none"> <li>• <u>Payment is further limited to the vacation time earned and accrued during the election period to which the Payment of Accrued Time Form applies.</u></li> </ul>
<u>Sick</u>	<u>Payable at 50% of Base Pay.</u>	<ul style="list-style-type: none"> <li>• <u>Employee must submit a timely Payment of Accrued Time Form.</u></li> <li>• <u>Employee has completed five years of service.</u></li> <li>• <u>Payment is limited to the amount of accrued vacation and sick time in excess of 360 hours (on a combined basis).</u></li> <li>• <u>Payment is further limited to the sick time earned and accrued during the election period to which the Payment of Accrued Time Form applies.</u></li> </ul>

3. Payment on an Annual Basis – Compensatory Time.

Unused compensatory time will be determined based on the amount of compensatory time that is unused as of the last day of the last pay period ending in June. A cash payment (at the employee's Base Pay) for the unused compensatory time in excess of forty (40) hours will be included in the employee's paycheck for the last pay period ending in June.

For example: If the last pay period ending in June 2020 ends on June 30, the employee will receive a cash payment for unused compensatory time in excess of 40 hours as of June 30.

4. Cash Out Option in the Event of an Unforeseeable Emergency

Any employee of the Agency may elect to cash out already accrued time (including vacation, sick, administrative and/or compensatory ) in the event of an unforeseeable emergency. For the purposes of this policy, the term "unforeseeable emergency" means an unanticipated emergency that is caused by an event beyond the employee's control that will result in a severe financial hardship to the employee if a cash payment is not made. The amount of already accrued time that may be cashed out pursuant to this policy is limited to the lesser of (1) the amount necessary to resolve the unforeseeable emergency; or (2) the amount of time the employee has accrued as of the date the cash payment will be made to aid with the unforeseeable emergency. Further, the cash out of sick time is available only to those employees that have completed five years of service. The Agency's General Manager or his or her designee shall, in his or her sole discretion, determine whether an emergency exists and the extent of the employee's resulting financial need.

Employees seeking to utilize this policy will need to contact Human Resources.

## 1.08 Definition of Terms

Capitalized terms used in this Personnel Manual shall be defined as follows:

**Acting Appointment** – An appointment of a person who possesses at least the minimum qualifications established for a particular class and who has been appointed to a position in that class in the absence of available eligibles, or on an interim basis pending later appointment of an eligible person.

**Advancement** – A pay increase within the limits of a pay range established for a class.

**Agency** – The Big Bear Area Regional Wastewater Agency.

**Anniversary Date** – For employees hired on December 21, 1996, the in-service date shall be the date last hired by the Big Bear City Community Services District. The in-service date for employees hired or rehired after December 21, 1996 shall be the date of hire by the Agency.

**Applicant** – Any person submitting a formal completed application for employment with the Agency.

**Authorized Position** – A specific work position within a job classification which is or may be held by an employee.

**Base Pay** – *The regular hourly rate of pay, or equivalent, plus longevity pay.*

**Bin Truck** – *The commercial vehicle used for hauling treated wastewater solids (sludge.) Treated wastewater solids do not include grit or screenings. (03/26/2014)*

**Board** – The Governing Board of the Agency.

**Class** – All positions sufficiently similar in duties, authority, and responsibility, to permit grouping under a common title and with equitable and common standards of selection, transfer, demotion and pay.

**Continuous Employment** – Employment which is uninterrupted.

**Contract Employees** – Contract employees are those individuals that are employed by the Agency pursuant to the terms of an individual employment contract which sets forth terms and conditions of employment. The provisions of this Personnel Manual are applicable to contract employees. If the individual's employment contract conflicts with the provisions of the Personnel Manual, the individual's employment contract shall supersede.

**Days** – Means calendar days unless otherwise stated.

**Demotion** – The movement of an employee from one class to another class having a lower maximum pay rate.

**Department** – A major administrative branch of the Agency involving a general line of work with one or more employees under the charge of one or more individuals known as supervisors.

The official workweek for employees regularly assigned to an eight (8) hour per workday schedule shall begin on Saturday at 12:01 a.m. and end at 12:00 p.m. on the following Friday.

The normal workday consists of eight (8) hours, with a 10-minute break during the first four hours and a 10-minute break during the second four hours of work. Employees receive a 30-minute meal period, which is not included in the eight (8) hour workday. Employees are encouraged to take their meal period and breaks and record their meal time. Employees assigned to a modified work schedule (e.g., 9/80, 4/10, etc.) by the General Manager are subject to a different workweek based on the modified schedule.

If workload demands do not allow for an uninterrupted 30-minute meal break, the employee will be paid through the meal break. Employee may be provided with a meal when working at field locations if the work does not allow sufficient break time for the employee to eat elsewhere, as determined by the job supervisor.

## **5.02 Exempt Status**

Employees designated as Exempt are not eligible for overtime pay or compensatory time for working hours over and above the normal daily work schedule. Exempt employees are *granted eighty (80) hours of administrative leave on July 1<sup>st</sup> of each year. Exempt employees hired during the fiscal year receive a pro-rated amount, based on days of employment from the hire date to the end of the fiscal year.*

### *1. Payment of Administrative Leave at Separation*

*All unused administrative leave at termination shall be paid at the employee's current Base Pay.*

### *2. Payment of Unused Administrative Leave on an Annual Basis*

*Unused administrative leave will be determined based on the amount of administrative leave that is unused as of the last day of the last pay period ending in June. A cash payment (at the employee's current Base Pay) for the unused administrative leave in excess of forty (40) hours will be included in the employee's paycheck for the last pay period ending in June.*

*For example: If the last full pay period in June 2020 ends on June 30, the employee will receive a cash payment for unused administrative leave in excess of 40 hours as of June 30.*

## **5.03 Exempt Employee Absences**

Exempt employees are paid on a salary basis and are expected to complete the number of hours necessary to meet the responsibilities of their respective jobs. Normally this will require at least 80 hours per pay period, subject to the control of the General Manager. Under the Agency's pay system, an exempt employee who is absent for personal reasons or because of illness or injury shall have his or her pay subject to reduction for such absence if the employee does not have sufficient accrued vacation, sick leave, or other paid leave to cover such period of absence.

If an employee's scheduled day off falls on a paid holiday or paid additional day off, the employee must arrange with their supervisor for an alternate day off with pay during the same pay period.

### **8.02 Additional Days Off**

At the discretion of the General Manager, Finance Manager, and Plant Manager, Regular employees may receive one additional day (total of two) as an authorized day off with pay when Christmas Day and New Year's Day fall on a Tuesday through Friday. These days will not be considered holidays, but days off at straight-time pay.

If scheduled for duty on a non-holiday paid-day-off, the employee must arrange with their supervisor for an alternate day off with pay during the same pay period.

All Regular employees receive Floating Leave Hours, (24 hours total) on *July 1<sup>st</sup> each year*. *Regular employees hired during the fiscal year receive a pro-rated amount (based on the days of employment from the hire date to the end of the fiscal year)*. *Floating leave hours are credited to Compensatory Time accrual for non-exempt employees and Administrative Leave accrual for Exempt employees.*

### **8.03 Sick Leave**

1. Accrual.
  - A) Regular employees accrue sick leave for each payroll period completed, prorated on the basis of twelve (12), eight (8) hour days per year. Regular Part-time employees shall accrue such leave on a pro-rata basis. Employees in regular positions budgeted less than eighty (80) hours per pay period or job shared positions shall receive sick leave accumulation on a pro-rata basis.
  - B) *Non-Regular employees receive 3 days (24 hours) of sick leave with the first payroll period completed and at each anniversary date of continued employment as a Non-Regular employee. Sick leave does not accrue or carry over to subsequent years if unused. (05/27/2015)*
  - C) Earned sick leave shall be available for use the first day following the payroll period in which it is earned. In no event shall an employee be entitled to receive sick leave with pay in excess of the number of sick leave days accrued at the time of illness. An employee who has exhausted accrued sick leave and who is unable to work due to illness or injury may utilize other accumulated leave, if any. If the employee has exhausted both sick leave and vacation leave accruals, the employee may be placed on unpaid leave.
2. Use. The following are considered appropriate uses of sick leave accrual:
  - A) Employees may use accrued sick leave for personal illness or injury.

## 8.05 Compensatory Time

A non-exempt employee may elect to accrue compensatory time in lieu of overtime pay. *All non-exempt employees electing to accrue compensatory time in lieu of overtime pay must make an election on the form provided by the Agency twice a year. Each six months employees may elect to receive compensatory time for overtime worked during the election period. The employee must submit an Overtime Compensation Form to Human Resources as set forth in the chart below.*

<i>Election Effective For</i>	<i>Last Day to Submit Overtime Compensation Form</i>	<i>Election Period</i>
<i>First Half (July 1 – December 31)</i>	<i>5:00 p.m. on the earlier of: (1) June 30 of the preceding half; or (2) the last business day of the preceding half.</i>	<i>The first pay period ending in July through the last pay period ending in December.</i>
<i>Second Half (Jan 1 – June 30)</i>	<i>5:00 p.m. on the earlier of: (1) December 31 of the preceding half; or (2) the last business day of the preceding half.</i>	<i>The first pay period ending in January through the last pay period ending in June.</i>

*If the employee does not submit a form electing to receive compensatory time for time worked in lieu of overtime pay, the employee will receive overtime pay.*

Compensatory time shall be calculated at the applicable *multiplier* for the number of overtime hours worked. Compensatory time earned must be reported on the employee's time card and submitted to the payroll department.

Employees shall be encouraged to use compensatory time as quickly as possible depending on the workload of the assigned department. Please see Section 8.06 Payment of Accrued Time for information related to *annual payment of accrued and unused* compensatory time.

## 8.06 Payment of Accrued Time

### 1. *Payment at Separation*

Employees are eligible for payment of accrued vacation time, accrued compensatory time, and accrued sick time at separation (*payment of accrued administrative leave is limited to Exempt employees and is addressed in Section 5.02*). At separation, the Agency will pay the employee for accrued time at the employee's final Base Pay as outlined in the chart below. If separation is involuntary, accrued sick time will be ineligible for payment by the Agency. Involuntary separation includes termination for cause or resignation in lieu of termination.

<i>Accrued Time</i>	<i>Payment at Separation</i>
<i>Vacation</i>	<i>100% of Accrued Time</i>
<i>Sick</i>	<i>50% of Accrued Time *</i>
<i>Compensatory</i>	<i>100% of Accrued Time</i>
<i>*Payment at separation will occur only if separation is on a voluntary basis and the employee has completed five years of service. There will be no payment of accrued sick time if separation is involuntary.</i>	

2. *Payment on a Semi-Annual Basis – Vacation and/or Sick Leave.*

*Each six months employees may elect to receive a cash payment for vacation, and/or sick time that will be earned and accrued during the following six months. The employee must submit a Payment of Accrued Time Form to Human Resources as set forth in the chart below.*

<i>Election Effective For</i>	<i>Last Day to Submit Payment of Accrued Time Form</i>	<i>Election Period</i>
<i>First Half (July 1 – December 31)</i>	<i>5:00 p.m. on the earlier of: (1) June 30 of the preceding half; or (2) the last business day of the preceding half.</i>	<i>The first pay period ending in July through the last pay period ending in December.</i>
<i>Second Half (Jan 1 – June 30)</i>	<i>5:00 p.m. on the earlier of: (1) December 31 of the preceding half; or (2) the last business day of the preceding half.</i>	<i>The first pay period ending in January through the last pay period ending in June.</i>

*For the First-Half Election Period, payment will be included in the employee's paycheck for the last payroll period ending in December. For the Second-Half Election Period, payment will be included in the employee's paycheck for the last payroll period ending in June. The amount an employee may elect to cash out each half is limited to the amount of time he or she earns and accrues during the election period (see chart above).*

*For example: Assume an employee elects on June 30 to cash out 16 hours of vacation time during the First Half (July 1 – December 31). The employee, however, only earned and accrued 8 hours of vacation time during the election period for the First Half. The employee’s payment for accrued vacation time is limited to those 8 hours.*

*The additional requirements related to the semi-annual election are outlined in the chart below.*

<i>Accrued Time</i>	<i>Limitation of Payment During Employment</i>	<i>Requirements</i>
<i>Vacation</i>	<i>Not to exceed 24 hours during any 12-month period</i>	<ul style="list-style-type: none"> <li>• <i>Employee must submit a timely Payment of Accrued Time Form.</i></li> <li>• <i>Payment is limited to the amount of accrued vacation and sick time in excess of 360 hours (on a combined basis).</i></li> <li>• <i>Payment is further limited to the vacation time earned and accrued during the election period to which the Payment of Accrued Time Form applies.</i></li> </ul>
<i>Sick</i>	<i>Payable at 50% of Base Pay.</i>	<ul style="list-style-type: none"> <li>• <i>Employee must submit a timely Payment of Accrued Time Form.</i></li> <li>• <i>Employee has completed five years of service.</i></li> <li>• <i>Payment is limited to the amount of accrued vacation and sick time in excess of 360 hours (on a combined basis).</i></li> <li>• <i>Payment is further limited to the sick time earned and accrued during the election period to which the Payment of Accrued Time Form applies.</i></li> </ul>

3. *Payment on an Annual Basis – Compensatory Time.*

*Unused compensatory time will be determined based on the amount of compensatory time that is unused as of the last day of the last pay period ending in June. A cash payment (at the employee’s Base Pay) for the unused compensatory time in excess of forty (40) hours will be included in the employee’s paycheck for the last pay period ending in June.*

*For example: If the last pay period ending in June 2020 ends on June 30, the employee will receive a cash payment for unused compensatory time in excess of 40 hours as of June 30.*



4. *Cash Out Option in the Event of an Unforeseeable Emergency*

*Any employee of the Agency may elect to cash out already accrued time (including vacation, sick, administrative and/or compensatory ) in the event of an unforeseeable emergency. For the purposes of this policy, the term "unforeseeable emergency" means an unanticipated emergency that is caused by an event beyond the employee's control that will result in a severe financial hardship to the employee if a cash payment is not made. The amount of already accrued time that may be cashed out pursuant to this policy is limited to the lesser of (1) the amount necessary to resolve the unforeseeable emergency; or (2) the amount of time the employee has accrued as of the date the cash payment will be made to aid with the unforeseeable emergency. Further, the cash out of sick time is available only to those employees that have completed five years of service. The Agency's General Manager or his or her designee shall, in his or her sole discretion, determine whether an emergency exists and the extent of the employee's resulting financial need.*

*Employees seeking to utilize this policy will need to contact Human Resources.*

**8.07 Bereavement Leave**

When a death of a *family relative* of a Regular employee occurs, the Agency will grant the employee up to three (3) consecutive workdays off with pay. The employee may use accrued time for additional leave, with the supervisor's approval. (05/27/2015)

**8.08 Voting**

The Agency encourages eligible employees to register and vote in all federal, state and local elections. Employees of the Agency are expected to vote prior to or following the assigned working hours. However, the Agency will consider time off with pay to participate in federal, state and local elections in certain circumstances.

Employees having two or more consecutive non-working hours following the opening or preceding the close of polls will not be granted time off with pay to vote. Employees having less than two consecutive non-working hours following the opening or preceding the close of polls may be granted sufficient time off with pay to vote. In order to receive paid time off to vote, the employee must provide a written request for such time and must obtain written approval from the employee's department head. Requests must be made in writing and must be received at least three days prior to Election Day. The Personnel Officer shall be notified prior to approval of paid time off for voting. In no event shall an employee receive more than two hours paid absence for the purpose of voting. Voting time with pay shall be taken immediately prior to the beginning or the completion of the employee's scheduled workday. Paid absence for the purpose of voting shall be in accordance with section 14400 of the California Elections Code.

**8.09 Jury Duty**



Big Bear Area Regional  
Wastewater Agency  
*David Caretto – Chair*  
*John Green – Vice Chair*  
*Karyn Oxandaboure – Secretary*  
*Rick Herrick – Director*  
*Jim Miller – Director*

**AGENDA ITEM: 11.E.**

**MEETING DATE:** July 24, 2019

**TO:** Governing Board of the Big Bear Area Regional Wastewater Agency

**FROM:** David Lawrence, P.E., General Manager *DL*

**REVIEWED BY:** Bridgette Burton, Management Analyst *BB*

**SUBJECT:** 2019 BBARWA Operational Review

**BACKGROUND & DISCUSSION:**

At the Governing Board’s request, a Request for Proposals (RFP) for the Operational Review of a Wastewater Treatment Facility was issued on June 10, 2019. The RFP addressed six (6) main topics for review: treatment plant operations, maintenance, safety, capital project evaluation, regulatory compliance, and equipment evaluation. Three (3) proposals were submitted for review:

Firm Name	Total All-Inclusive, “Not to Exceed” Price
Water Systems Consulting, Inc.	\$49,990
PERC Water Corporation	\$67,694
Dudek	\$89,000

Staff evaluated the proposals for consideration by the Operations Committee and Governing Board (attached).

**FINANCIAL IMPACT:**

Staff will identify the appropriate funding source to be included as an adjustment to the current fiscal year budget.

Moved: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Abstain/Absent: \_\_\_\_\_

Approved Date: \_\_\_\_\_ Witness: \_\_\_\_\_

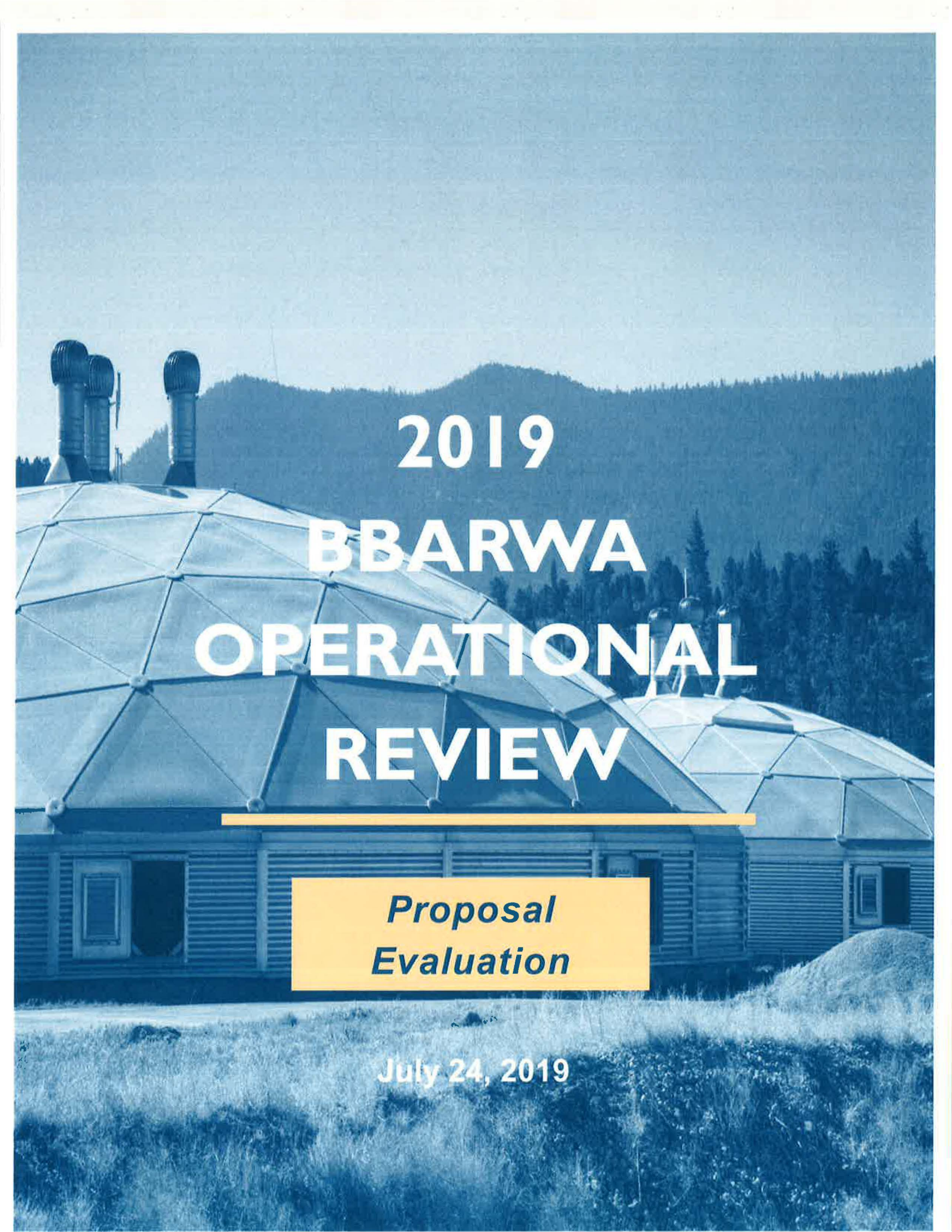
Secretary of the Governing Board

**RECOMMENDATION:**

Staff recommends the Governing Board consider the proposals, recommend a firm, and authorize the General Manager to enter into a contract for the 2019 BBARWA Operational Review, if the Governing Board chooses to do so.

**ATTACHMENT:**

Proposal Evaluation



# 2019 BBARWA OPERATIONAL REVIEW

*Proposal  
Evaluation*

July 24, 2019



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# INTRODUCTION

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Per the Governing Board's request, a Request for Proposals (RFP) was issued on June 10, 2019. The purpose of the RFP is to demonstrate the qualifications, competence, and capacity of the firms seeking to undertake an independent operational review of the Agency in conformity with the RFP requirements of:

- Independence
- License and Certification
- Firm Qualifications, Experience, and Education
- Partner, Supervisory, Staff Qualifications and Experience
- Prior Engagements with the Agency or its Member Agencies
- Similar Engagements with Other Government Agencies and Reference
- Identification of Deficiencies and Recommendations for Improvement for the elements listed in the Work Plan:
  - Treatment Plant Operations: evaluation of the treatment plant that includes treatment processes, laboratory analysis, sampling, quality assurance and quality control processes.
  - Maintenance: evaluation of the maintenance program and identification of maintenance issues.
  - Safety: evaluation of the safety program and identification of safety issues.
  - Capital Project Review: evaluation of the recently completed North and South Horseshoe Ponds Project for overall regulatory compliance and engineering design of the weep holes.
  - Regulatory Compliance: evaluation of the regulatory reporting for the past five (5) years and determination if the Storm Water Pollution Prevention Plan (SWPPP) and the Sewer System Management Plan (SSMP) are in compliance with required updates and evaluation of regulatory requirements in regard to AQMD permit requirements.
  - Equipment: evaluation of the existing generator system testing and regulatory compliance reporting for the past five (5) years.

## 2019 BBARWA Operational Review

- Meeting Attendance
  - Kick-Off Meeting
  - Meetings for Updates
  - Meeting Prior to Final Report
  - Meeting with the Operations Committee for the final presentation.

All questions regarding the proposal were submitted by July 1, 2019, with Addendum #1 being issued on July 2, 2019. A signed copy of the Addendum is required to be included in each proposal.

Firm Name	Requirement Met?
Water Systems Consulting, Inc.	Yes
PERC Water Corporation	Yes
Dudek	Yes

The Agency received three (3) proposals by the deadline of 3:00 p.m. on July 8, 2019:

1. Water Systems Consulting, Inc.
2. PERC Water Corporation with sub-consultants Pacific Advanced Civil Engineering, Inc. and American Geotechnical, Inc.
3. Dudek with sub-consultants WL Troxel & Associates and DHK Engineers, Inc.

Robertson-Bryan, Inc. declined to submit a proposal due to their current workload and their desire to continue the high-level of service to their clients.

The selected firm will have 60 calendar days to complete the final report, which begins the date the contract is fully executed.

# 1. EVALUATION

## A. General Requirements

The purpose of this proposal is to demonstrate the qualifications, competence, and capacity of the firms seeking to undertake an independent operational review of the Agency in conformity with the requirements of this Request for Proposal. As such, the substance of proposals will carry more weight than their form or manner of presentation. The proposal should demonstrate the qualifications of the firm and the particular staff to be assigned to this engagement.

The proposal should be prepared simply and economically, providing a straightforward, concise description of the proposing firm’s capabilities to satisfy the requirements of the RFP.

## B. Independence

The firm should provide an affirmative statement that it is independent of the Agency.

Firm Name	Requirement Met?
Water Systems Consulting, Inc.	Yes
PERC Water Corporation	Yes
Dudek	No

## C. License and Certification

At least one assigned supervisory staff member must be a licensed California Professional Engineer. At least one assigned staff member must have a valid Grade V Wastewater Operator Certification.

Firm Name	Requirement Met?	Supervisor: Licensed California Professional Engineer	Valid Grade V Wastewater Operator Certification
Water Systems Consulting, Inc.	Yes	Laine Carlson, P.E.	Jasmine Diaz, P.E.
PERC Water Corporation	Yes	Sam Kramer, P.E.	Dave Kachelski
Dudek	Yes	Michael Metts, P.E.	Wyatt Troxel



## 2019 BBARWA Operational Review

### D. Firm Qualifications, Experience, Education

The proposal should state the size of the firm, the size of the firm's staff, the location of the office from which the work on this engagement is to be performed and the number and nature of the professional staff to be employed in this engagement on a full-time basis and the number and nature of the staff to be so employed on a part-time basis. Specific experience and/or education related to wastewater treatment plant operations, processes, safety, regulatory compliance, and design should be indicated.

#### Water Systems Consulting, Inc.

<b>Size of the Firm</b>	9 offices located throughout California and the Pacific Northwest
<b>Size of the Firm's Staff</b>	55
<b>Office Location</b>	Rancho Cucamonga, Temecula Valley, and San Luis Obispo
<b>No. Full-time Staff Assigned to this Engagement</b>	6
<b>No. Part-time Staff Assigned to this Engagement</b>	0
<b>Specific Experience</b>	Wastewater treatment processes, design, planning, regulatory compliance, operational evaluations

#### PERC Water Corporation

<b>Size of the Firm</b>	12+ wastewater facilities throughout the Southwestern U.S.
<b>Size of the Firm's Staff</b>	Did not indicate
<b>Office Location</b>	Costa Mesa
<b>No. Full-time Staff Assigned to this Engagement</b>	7
<b>No. Part-time Staff Assigned to this Engagement</b>	0
<b>Specific Experience</b>	Wastewater plant operations and processes, safety, regulatory compliance, and design

## 2019 BBARWA Operational Review

### Dudek

<b>Size of the Firm</b>	10 California offices in San Diego, Orange, Los Angeles, and Palm Desert
<b>Size of the Firm's Staff</b>	500+
<b>Office Location</b>	Did not indicate
<b>No. Full-time Staff Assigned to this Engagement</b>	9 staff members were listed but did not indicate if they were full-time or part-time
<b>No. Part-time Staff Assigned to this Engagement</b>	
<b>Specific Experience</b>	Operational efficiency consulting, facility design and rehabilitation, process optimization and modeling, energy audits and optimization, biosolids/residual management, regulatory compliance support, odor and corrosion control, and operations and maintenance evaluation

### **E. Partner, Supervisory, and Staff Qualifications and Experience**

The firm should identify the principal and management staff, including engagement partners, manager, other supervisors, and specialists, who would be assigned to the engagement. The firm should indicate 1) the wastewater experience of each person, including continuing professional education during the last three years, and 2) membership in professional organizations that is relevant to this evaluation.

Please indicate how the quality of staff over the term of the agreement will be assured, how and when a change in staff may occur and how the engagement will be managed as it relates to consistent and qualified staffing.

None of the proposals listed the continuing professional education of staff members during the last three (3) years; however, each proposal listed degrees and certifications or licenses held by each assigned staff member.

## 2019 BBARWA Operational Review

### Water Systems Consulting, Inc.

Staff	Wastewater Experience	Membership in Professional Organizations
Laine Carlson, P.E., VP, Principal in Charge	15 years with a focus on wastewater and recycled water systems	California Water Environment Foundation, WaterReuse
Jasmine Diaz, P.E., Project Manager	Experience includes wastewater treatment plant operations and upgrade programming, operations training, water quality improvements to meet regulatory requirements, plant optimization and commissioning	California Water Environment Foundation, WaterReuse, American Water Works Association
Joshua Reynolds, P.E., M.S., VP, Technical Advisor	18 years in design, planning, and construction management of wastewater infrastructure and treatment equipment	American Society of Civil Engineers, WaterReuse, American Water Works Association
Matthew Rodrigues, P.E., M.S., Engineering Support	Emphasis in wastewater treatment processes	Water Environment Federation, WaterReuse, American Water Works Association
Adam Rianda, P.E., Stormwater	Specializes in stormwater and wastewater infrastructure, management planning and design	WaterReuse, American Water Works Association
Haley Lehman, CSST, Headworks/SCADA	Experience in SCADA systems for wastewater treatment and collection systems	Project Management Institute, International Society of Automation, Institute of Electrical and Electronics Engineers, California Water Environment Association

Water Systems Consulting, Inc. proposes any changes in staff be discussed with the Agency ahead of time and ensures any new staff will have the appropriate qualifications and experience to provide the services described in the work plan.

## 2019 BBARWA Operational Review

### PERC Water Corporation

Staff	Wastewater Experience	Membership in Professional Organizations
Bob Nespeca, VP, Asset Management	40 years in wastewater plant operations, processes, safety, regulatory compliance, and design	California Water Environment Association
Sam Kramer, P.E., Project Director/Project Manager	22 years in wastewater plant operations, processes, safety, regulatory compliance, and design	WateReuse
Andy Komar, P.E., Process Engineer	19 years in wastewater plant operations, processes, safety, regulatory compliance, and design	WateReuse, California Water Environment Association, National American Lake Management Society
Dave Kachelski, Operations Supervisor	33 years in wastewater plant operations, processes, safety, and regulatory compliance	Water Environment Federation, California Water Environment Association, Southern California Waste Management Forum
Larry Johnson, Maintenance Supervisor	24 years of wastewater plant operations, processes, safety, and regulatory compliance	None listed
Doug Santo PG, CEG, CHG, Chief Engineering Geologist/Hydrogeologist	30 years in wastewater plant operations and safety	None listed
Fei-chiu Huang, Ph.D., P.E., GE, QSD/QSP, Principal Engineer	25 years in wastewater plant operations and safety	None listed

PERC Water Corporation did not indicate how the quality of staff over the agreement of the term will be assured, nor when a change in staff occurs.

## 2019 BBARWA Operational Review

### Dudek

Staff	Wastewater Experience	Membership in Professional Organizations
Michael Metts, P.E., Project Manager	35 + years in water, wastewater, recycled water engineering design, permitting, and construction	American Society of Civil Engineers, American Water Works Association, California Water Environment Association, Water Environment Federation, National Society of Professional Engineers, American Public Works Association
Phil Giori, P.E., Lead Engineer	Engineering focus on water and wastewater treatment	California Water Environment Association
Greg Guillen, Ph.D., P.E., Process Engineer	Chemical and environmental engineering focus on water and wastewater treatment	California Water Environment Association, WateReuse
Wyatt Troxel, Operations Specialist	47 years in management, strategic planning, and optimization of public utilities and environmental systems	CASA
Neil Harper, P.E., Equipment Review	19 years in water and wastewater facility and equipment design	Orange County Water Association, American Society of Civil Engineers
Don King, P.E., CH, CEM, AQMD Permitting	30 years in odor control, air quality, and chemical processes	California Air Resources Board
Brandon Lacap, P.E., Maintenance and Safety Review	10 years in engineering design and managing water/wastewater infrastructure and capital projects	WateReuse
Nicole Rieger, P.E., QSD, SWPPP	16 years in civil engineering: floodplain, drainage, and stormwater quality design	American Public Works Association, American Society of Civil Engineers
Elizabeth Caliva, P.E., SSMP Audit	15 years in water, wastewater, and recycled water planning projects	WateReuse

Dudek did not indicate how the quality of staff over the agreement of the term will be assured, nor when a change in staff occurs.

## 2019 BBARWA Operational Review

### F. Prior Engagements with the Agency or its Member Agencies

The proposal should list all current or prior engagements with the Agency and all engagements with its member agencies: the City of Big Bear Lake, the Big Bear City Community Services District, and the County of San Bernardino on behalf of County Service Area 53B.

Firm Name	Agency Engagement	Member Agency Engagement
Water Systems Consulting, Inc.	Yes – 11 projects listed	Big Bear City Community Services District – 15 projects listed Big Bear Lake DWP – 14 projects listed
PERC Water Corporation	None	None
Dudek	None	None

### G. Similar Engagements with Other Government Agencies and References

For the firm's office that will be assigned responsibility for the evaluation, list the most significant engagements performed (maximum of five) in the last five years that are similar to the engagement described in this Request for Proposal. Indicate the scope of work, date, engagement partners, and the name and telephone number of the principal client contact.

List the firm's client references for which similar services are currently being provided. The references should include the name and agency, the appropriate contact information with address and telephone number, the type of service provided, and the date of service provided. The Agency may contact any and all references regarding services provided by your firm.

## 2019 BBARWA Operational Review

Firm Name	Engagements
Water Systems Consulting, Inc.	<ul style="list-style-type: none"> <li>• Wastewater Treatment Plant Operations Evaluation, Camp Roberts, 2015 – 2017</li> <li>• Water Resources Recovery Facility Upgrade Plan, City of San Luis Obispo, 2014 - present</li> <li>• Cayucos Sustainable Water Project, Cayucos Sanitary District, 2015 - present</li> <li>• Operations and Maintenance Support, Camarillo Sanitary District, 2017 – present</li> <li>• Central Coast Blue Pilot Plant, City of Pismo Beach, 2014 - present</li> </ul>
PERC Water Corporation	<ul style="list-style-type: none"> <li>• Asset Management Solution Turn Around Plan, City of Lone, 2009 – present</li> <li>• Water, Wastewater and Utility Customer Service, City of Adelanto, 2013 – present</li> <li>• Water and Wastewater Facilities O&amp;M, Customer Services, and Utility Billing, Tejon-Castac Water District, current</li> <li>• Operations and Maintenance, Mammoth Community Water District, no date listed</li> </ul>
Dudek	<ul style="list-style-type: none"> <li>• Consequence of Failure Analysis, Lake Arrowhead Community Services District, 2018 – present</li> <li>• Process Evaluation and Data Gap Analysis at the Grass Valley WWTP, Lake Arrowhead Community Services District, 2017-2018</li> <li>• Wastewater Treatment and Collection Systems Master Plan, Crestline Sanitation District, 2017-2018</li> <li>• Wastewater Treatment Plant Study, City of San Juan Bautista, 2018</li> <li>• Concept Level Facility and Process review of a 3A Wastewater Treatment Plant, Moulton Niguel Water District, 2018-2019</li> <li>• Rancho Cielo &amp; 45 Ranch Wastewater System Capital Improvement Plan, Olivenhain Municipal Water District, 2014-2015</li> <li>• Ventura Water Reclamation Facility Process Evaluation and Capital Improvement Plan, City of Ventura, 2015-2017</li> <li>• Encina Water Pollution Control Facility Capital Improvement Plan Implementation, Encina Wastewater Authority, 2010-2015</li> </ul>

## 2019 BBARWA Operational Review

### H. Work Plan

The selected firm will identify deficiencies, if any, and provide recommendations for improvements. The Work Plan shall include the following elements:

1. Treatment Plant Operations: evaluation of the treatment plant that includes treatment processes, laboratory analysis, sampling, quality assurance and quality control processes.

Firm Name	Proposed Approach
Water Systems Consulting, Inc.	Will perform a site visit and evaluation of the treatment process control and monitoring systems. Currently, they are conducting an evaluation of the existing process, for Replenish Big Bear, that can be leveraged for this evaluation
PERC Water Corporation	Will perform a complete walk-thru of the treatment plant to visually observe the overall condition and operational characteristics of key process equipment and will compare collected photos with available equipment installation and maintenance records, will focus on primary treatment, oxidation ditches, clarifiers, tertiary microfiltration, UV disinfection, effluent storage and pumping, and sludge dewatering
Dudek	Will conduct operations and maintenance workshops and interviews with expert third-party review, perform a cursory review of process water quality and operational data to determine process performance, unit process design criteria will be compared to current conditions to confirm capacity and/or whether the process is operating outside its intended design, will be on site for two workshops to inspect the plant and facilities

2. Maintenance: evaluation of the maintenance program and identification of maintenance issues.

Firm Name	Proposed Approach
Water Systems Consulting, Inc.	Will evaluate the computerized maintenance management system, plant maintenance schedules, coupled with a visual inspection of major mechanical equipment, to determine potential maintenance issues
PERC Water Corporation	Will review historical maintenance records, conduct interviews (if needed) to clarify understanding of practices and methods
Dudek	Independent third-party review of the plant O&M manual paired with the workshops discussed in the treatment plant operations approach



## 2019 BBARWA Operational Review

3. Safety: evaluation of the safety program and identification of safety issues.

Firm Name	Proposed Approach
Water Systems Consulting, Inc.	Will evaluate frequency, quality, and comprehensiveness of the current training program
PERC Water Corporation	Will evaluate the safety program, safety meeting frequency and topics, safety committee, safety suggestion boxes, visual reminders, and provide safety information sources
Dudek	Review of the Agency's written safety program in addition to workshop discussion to evaluate the written procedures compared to staff experience

4. Capital Project Review: evaluation of the recently completed North and South Horseshoe Ponds Project for overall regulatory compliance and engineering design of the weep holes.

Firm Name	Proposed Approach
Water Systems Consulting, Inc.	Will evaluate the design of the ponds to determine if the weep holes are a cause for concern from a regulatory perspective and will leverage existing working relationships with the Regional Water Quality Control Board to determine if there are any issues regarding the design and operation of the Horseshoe Ponds
PERC Water Corporation	Will review available design/record drawings and documents, engineering reports, permits, and visually inspect the facility
Dudek	Will review project record drawings and discuss concerns with the Agency

## 2019 BBARWA Operational Review

5. Regulatory Compliance: evaluation of the regulatory reporting for the past 5 years and determination if the Storm Water Pollution Prevention Plan and the Sewer System Management Plan are in compliance with required updates. Evaluation of regulatory compliance in regard to AQMD permit requirements.

Firm Name	Proposed Approach
Water Systems Consulting, Inc.	Is currently updating the Agency SSMP, will evaluate the implementation of best management practices outlined in the SWPPP, will evaluate monitoring and reporting required for equipment permitted under the South Coast Air Quality Managing District, and evaluate the completeness of NPDES reporting to CIWQS of regulatory monitoring requirements for the last 5 years
PERC Water Corporation	Will review sewer (SSMP), stormwater (SWPPP), and air emissions (SCAQMD)
Dudek	Will review the most recent 5 years of regulatory reports

6. Equipment: evaluation of the existing generator system testing and regulatory compliance reporting for the past 5 years.

Firm Name	Proposed Approach
Water Systems Consulting, Inc.	Will review testing documentation and interview operations staff to determine if testing is being performed appropriately for the last 5 years
PERC Water Corporation	Will review available operating permits and records documenting the testing and regulatory compliance
Dudek	Will review the existing generator system testing and regulatory compliance reporting and comment on equipment condition and generator age and condition

### I. Client-Prepared Schedules

The proposal shall include a list of client-prepared schedules that the firm anticipates Agency staff to provide.

Firm Name	Requested Information
Water Systems Consulting, Inc.	None requested, should this requirement change they will coordinate with staff to minimize the impact to staff and facilitate timely completion of the work

## 2019 BBARWA Operational Review

<p>PERC Water Corporation</p>	<ul style="list-style-type: none"> <li>• List of Facility Assets</li> <li>• Facility Asset OEM Required Maintenance and Schedule</li> <li>• Summary of Completed Work Orders</li> <li>• Agency WWTP Engineering Reports and Design Drawings</li> <li>• Horseshoe Pond Project Engineering Reports and Design Drawings</li> <li>• Operation and Maintenance Manuals</li> <li>• Operating Permits (RWQCB, DDW, AQMD, etc.)</li> <li>• Health and Safety Plan</li> <li>• Daily, Weekly, Monthly Influent/Effluent Water Quality Sampling and Analysis Data</li> <li>• Process Monitoring Data (Flow, MLSS, DO, BOD, ORP, pH, etc.)</li> <li>• Monthly Operation Summary Reports</li> </ul>
<p>Dudek</p>	<ul style="list-style-type: none"> <li>• Available regulatory and process data provided in excel format, record drawings, permits, and written operations and maintenance manuals, laboratory procedures, quality assurance and quality control procedures</li> <li>• Available written maintenance procedures</li> <li>• Available written safety procedures</li> <li>• Available record drawings of the recently completed North and South Horseshoe Ponds Project</li> <li>• Five years of regulatory reports to determine if the Agency's SWPPP, SSMP, and AQMD permits are in compliance</li> <li>• Available generator system testing and regulatory compliance reporting for the last five years to determine compliance with the AQMD permit</li> </ul>

## 2. ALL-INCLUSIVE, NOT TO EXCEED PRICE

Work Plan Element	WSC	PERC	DUDEK
Meeting Attendance	\$ 2,320	\$ 17,660	\$ 27,000
Treatment Plant Operations	\$ 15,720	\$ 6,064	\$ 16,000
Maintenance	\$ 4,810	\$ 2,520	\$ 7,000
Safety	\$ 4,070	\$ 2,904	\$ 7,000
Capital Project Review	\$ 3,800	\$ 5,888	\$ 5,000
Regulatory Compliance	\$ 7,250	\$ 13,268	\$ 13,000
Equipment	\$ 1,580	\$ 4,070	\$ 7,000
Final Report	\$ 9,640	\$ 10,320	\$ 6,000
Travel Expenses (Transportation, Meals and Lodging)	\$ 800	\$ 5,000	\$ 1,000
<b>Total All-Inclusive, "Not-to-Exceed" Price</b>	<b>\$ 49,990</b>	<b>\$ 67,694</b>	<b>\$ 89,000</b>



Big Bear Area Regional  
Wastewater Agency  
David Caretto – Chair  
John Green – Vice Chair  
Karyn Oxandaboure – Secretary  
Rick Herrick – Director  
Jim Miller – Director

**AGENDA ITEM: 11.F.**

**MEETING DATE:** July 24, 2019

**TO:** Governing Board of the Big Bear Area Regional Wastewater Agency

**FROM:** David Lawrence, P.E., General Manager *DL*

**PREPARED BY:** Bridgette Burton, Management Analyst *BB*

**SUBJECT:** Introduction and First Read of Ordinance No. O. 01-2019, An Ordinance of the Big Bear Area Regional Wastewater Agency Superseding Ordinance No. 03-2001 Establishing a Policy for Potential Refund of Connection Fees and Replacing with Board Policy Connection Fee: Waiver, Reduction or Refund

**BACKGROUND:**

At the June 27, 2001 Regular Meeting, the Governing Board approved Ordinance No. 03-2001 which established a policy for the potential refund of connection fees. This ordinance was adopted to address a connection fee schedule adjustment request from the YMCA of Metropolitan Los Angeles (YMCA) in the event that Phase II of the project was not constructed. The Ordinance gave the General Manager sole and absolute discretion, pursuant to the provisions of the Ordinance, to enter into an agreement for a potential refund with YMCA as well as enter into agreements for future refunds.

At the October 25, 2006 and August 22, 2012 Regular Meetings, the Governing Board approved Board Policy Connection Fee: Waiver, Reduction or Refund. The Board Policy reserved the right for the Governing Board to approve or deny connection fee waivers, reductions or refunds.

**DISCUSSION:**

Periodically, the Agency reviews its ordinances, resolutions, policies and procedures for accuracy, consistency, and relevance. The active ordinance and related policy directly conflict with one another on the authority to grant or deny connection fee refunds. Based on previous practice, we believe it is in the best interest of the Agency that the authority to grant or deny waivers, reductions or refunds remain with the Governing Board. Staff met with the Administrative Committee on July 9, 2019 to review the proposed revisions to the ordinance and policy.

Moved: \_\_\_\_\_ Second: \_\_\_\_\_ Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Abstain/Absent: \_\_\_\_\_

Approved Date: \_\_\_\_\_ Witness: \_\_\_\_\_

Secretary of the Governing Board

The Ordinance has been prepared by the Agency's counsel, Best, Best & Krieger, and is attached hereto along with a summary sheet of the recommended revisions.

**FINANCIAL IMPACT:**

There is no financial impact.

**RECOMMENDATION:**

Introduce Ordinance

**ATTACHMENTS:**

- Summary of Proposed Revisions
- Ordinance No. O. 01-2019 (marked version to show revisions)
- Ordinance No. O. 01-2019

**AGENDA ITEM: 11.F.**

**SUBJECT:** Introduction and First Read of Ordinance No. O. 01-2019, An Ordinance of the Big Bear Area Regional Wastewater Agency Superseding Ordinance No. 03-2001 Establishing a Policy for Potential Refund of Connection Fees and Replacing with Board Policy Connection Fee: Waiver, Reduction or Refund

**SUMMARY OF PROPOSED REVISIONS:**

Original Text	Proposed Revision	Reason for Revision
Collecting Agency	Member Agency	We recommend revising this to be more consistent with other Agency documents.
<b>WHEREAS</b> , pursuant to Ordinance No. 53, the Connection Fee has been established in an amount which will assure that new connections to the collection systems of the applicable Collecting Agency, and the ultimate connection and discharge to the Treatment Facilities, will bear an appropriate burden of the cost of existing Treatment Facilities and future Treatment Facilities made necessary by the increasing demands on said Treatment Facilities; and	Remove.	We recommend removing this section since Ordinance No. 53 has been repealed. In 1994, Ordinance No. 53 increased the connection fee and was repealed by Ordinance No. O. 01-2004, which has also been repealed. The most recent connection fee Ordinance is O. 02-2018, which defines the purpose and use of the connection fee. If this text remains, we will need to revise the ordinance and policy each time the connection fee is increased.
<b>WHEREAS</b> , the Connection Fee is imposed for each EDU assigned by the Collecting Agency to each residence or business establishment, the total amount of which is referred to as the "Total Connection Fee;" and	Remove.	We recommend removing this section from the ordinance since the connection fee use and purpose is defined in the connection fee Ordinance O. 02-2018.

Original Text	Proposed Revision	Reason for Revision
<p><b>WHEREAS</b>, a Development may be subject to separate land use approvals which must be obtained and satisfied prior to development of a particular phase or portion of the Development ("Phase"). A certain number of the EDUs, which comprise the Total Connection Fee, apply to each Phase.</p>	<p><b>Remove.</b></p>	<p>We recommend removing this section. Each Member Agency ensures that land use approvals have been satisfied prior to collection of the total connection fee. The Member Agency determines the EDU count, with BBARWA approval on large projects when requested, then forwards the connection fee payment to BBARWA.</p>
<p><b>WHEREAS</b>, pursuant to BBARWA Operating Agreement No. 1, the Total Connection Fee is required to be paid prior to connection of any Phase of a Development to the Collecting Agency's sewage collection system.</p>	<p><b>Remove.</b></p>	<p>This process is already outlined in the ordinance in a separate section, "<i>Said conditions include evidence of payment of the Connection Fee to the Member Agency which then transfers said payment to BBARWA...</i>"</p>
	<p><b>WHEREAS</b>, the Board finds that it is appropriate and necessary to allow the Board to reduce the Connection Fee to a property owner who makes application to connect a residence or business establishment to the sewer system where such reduction is in the best interest of BBARWA's service territory, so long as there are sufficient unrestricted revenues to cover such reduction in Connection Fee; and</p>	<p>We recommend this addition to clearly define the purpose of the ordinance. Each Member Agency collects the connection fee at the time of application.</p>



Original Text	Proposed Revision	Reason for Revision
<p>BBARWA's Governing Board desires to establish a policy whereby BBARWA and a property owner may enter into an agreement which will permit the refund of that portion of the Total Connection Fee corresponding to a Phase which is not ultimately developed. The circumstances under which a Phase will not ultimately be developed may include where land use approvals: (1) expire; (2) terminate; (3) are not satisfied; or (4) are otherwise no longer in effect and as a result, the property owner is no longer entitled to proceed with that particular Phase of a Development.</p> <ol style="list-style-type: none"> <li>1. <u>Policy for Potential Refund of Connection Fee.</u></li> <li>2. <u>Criteria for Entering into Agreement for Potential Refund of Connection Fee.</u></li> <li>3. <u>Request to Enter into Agreement for Potential Refund of Connection Fee.</u></li> <li>4. <u>Agreement for Potential Refund of Connection Fee.</u></li> </ol>	<p>...the Board finds that it is appropriate and necessary to establish a policy that provides a guideline to waive, reduce or refund the Connection Fee collected by the Member Agencies on behalf of BBARWA; and</p>	<p>This section was originally included for the General Manager, with sole and absolute discretion, to enter into an agreement with the property owner for the potential refund. We recommend the authority to grant or deny connection fee waivers, reductions or refunds be reserved for the Governing Board, not the General Manager. A written agreement is not necessary when the Governing Board approves or denies such requests. This will be documented in the meeting minutes as it has previous to the adoption of the current ordinance. We recommend removing this text since there may be other instances, other than those specifically listed, in which the Governing Board may want to grant a connection fee waiver, reduction or refund.</p>
	<p>Connection Fee: Waiver, Reduction, or Refund Policy</p>	<p>We recommend the addition of the policy to the ordinance to create consistency. It is the current practice of the Agency to include the policy in the ordinance.</p>

<b>Original Text</b>	<b>Proposed Revision</b>	<b>Reason for Revision</b>
Requests for waivers, reductions or refunds of the Connection Fee are not considered unless said fee has been received by BBARWA.	Remove.	We recommend removing this section from the policy. It is addressed in another section of the ordinance, " <i>Said conditions include evidence of payment of the Connection Fee to the Member Agency which then transfers said payment to BBARWA...</i> "

ORDINANCE NO. ~~03-2001~~ O. 01-2019

**AN ORDINANCE OF THE BIG BEAR AREA REGIONAL WASTEWATER AGENCY ~~ESTABLISHING A POLICY FOR POTENTIAL REFUND OF CONNECTION FEES~~ SUPERSEDING ORDINANCE NO. 03-2001 ESTABLISHING A POLICY FOR POTENTIAL REFUND OF CONNECTION FEES AND REPLACING WITH BOARD POLICY CONNECTION FEE: WAIVER, REDUCTION OR REFUND**

**WHEREAS**, the Governing Board ("~~this~~ Board") of the Big Bear Area Regional Wastewater Agency ("BBARWA") has been empowered to establish sewer rates and charges, including a regional ~~C~~onnection ~~F~~ee ("Connection Fee") per Equivalent Dwelling Unit ("EDU"), which each ~~Collecting Member~~ Agency (~~as that term is defined in BBARWA Operating Agreement No. 1~~) is required to charge each property owner who makes an application to connect a residence or business establishment to its sewage collection system; and

**WHEREAS**, the Connection Fee is imposed for the purpose of financing the design and construction of existing wastewater treatment facilities and planned capital improvements to the systems (~~collectively, the "Treatment Facilities"~~) which are owned, operated and maintained by BBARWA; and

~~WHEREAS, pursuant to Ordinance No. 53, the Connection Fee has been established in an amount which will assure that new connections to the collection systems of the applicable Collecting Agency, and the ultimate connection and discharge to the Treatment Facilities, will bear an appropriate burden of the cost of existing Treatment Facilities and future Treatment Facilities made necessary by the increasing demands on said Treatment Facilities; and~~

~~WHEREAS, the Connection Fee is imposed for each EDU assigned by the Collecting Agency to each residence or business establishment, the total amount of which is referred to as the "Total Connection Fee;" and~~

**WHEREAS**, property owners, within the boundaries of a ~~Collecting Member~~ Agency, are required to make an application for land use approval for construction or improvement of structures on their property ("Development"). The applicable land use approval agency commonly requires the property owner to establish that the ~~Collecting Member~~ Agency has set forth conditions upon which wastewater services will be provided to the Development. Said conditions include evidence of payment of the Connection Fee to the ~~Collecting Member~~ Agency which then transfers said payment to BBARWA; and

~~WHEREAS, a Development may be subject to separate land use approvals which must be obtained and satisfied prior to development of a particular phase or portion of the Development ("Phase"). A certain number of the EDUs, which comprise the Total Connection Fee, apply to each Phase.~~

~~WHEREAS, pursuant to BBARWA Operating Agreement No. 1, the Total Connection Fee is required to be paid prior to connection of any Phase of a Development to the Collecting Agency's sewage collection system; the Board finds that it is appropriate and necessary to allow the Board to reduce the Connection Fee to a property owner who makes an application to connect a residence or business establishment to the sewer system where such a reduction is in the best interest of BBARWA's service territory, so long as there are sufficient unrestricted revenues to cover such a reduction in Connection Fee; and~~

~~WHEREAS, BBARWA's Governing Board desires the Board finds that it is appropriate and necessary to establish a policy whereby BBARWA and a property owner may enter into an agreement which will permit the refund of that portion of the Total Connection Fee corresponding to a Phase which is not ultimately developed. The circumstances under which a Phase will not ultimately be developed may include where land use approvals: (1) expire; (2) terminate; (3) are not satisfied; or (4) are otherwise no longer in effect and as a result, the property owner is no longer entitled to proceed with that particular Phase of a Development; that provides a guideline to waive, reduce or refund the Connection Fee collected by Member Agencies on behalf of BBARWA; and~~

~~WHEREAS, the Board wishes to establish a procedure that all requests for waiver, reduction, or refund of the Connection Fee be submitted in writing by the Member Agencies and presented to the Governing Board for consideration.~~

~~NOW, THEREFORE, BE IT ORDAINED by the Governing Board of the Big Bear Area Regional Wastewater Agency ordains as follows:~~

~~Section 1: The Big Bear Area Regional Wastewater Agency's Connection Fee: Waiver, Reduction or Refund Policy is adopted as follows:~~

~~1. Validity. If any provision of this ordinance, or the application thereof, to any person or circumstances is held invalid, then such invalidity shall not effect other provisions or application of this ordinance, and to this end, the provisions of this ordinance are declared to be severable.~~

~~2. Effective Date. This ordinance shall become effective upon the date of adoption by this Board as set forth below.~~

~~ADOPTED this 27<sup>th</sup> day of June, 2001.~~

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~~DR. DONALD EADS~~

~~Chairman of the Governing Board Big Bear Area Regional Wastewater Agency~~

~~ATTEST:~~

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~~BILL MELLEN~~

~~Secretary to the Governing Board Big Bear Area  
Regional Wastewater Agency~~

**BOARD POLICY  
CONNECTION FEE: WAIVER, REDUCTION OR REFUND**

**I. PURPOSE**

- A. To establish a policy that provides the guidelines to waive, reduce or refund the Connection Fee collected by the Member Agencies on behalf of BBARWA.

**II. POLICY**

- A. Occasionally a critical or special circumstance arises where an applicant for a particular residence or business establishment feels the need to request a waiver, reduction or refund of the Connection Fee collected by the Member Agencies on behalf of BBARWA.
- B. The authority to grant or deny such requests is reserved for the Governing Board during a regularly scheduled meeting. BBARWA staff is prohibited from granting or denying requests for waiver, reduction or refund of the Connection Fee collected by the Member Agencies.
- C. The Governing Board does not consider requests for waivers or reductions of Equivalent Dwelling Unit Counts/Inventories established by Member Agencies for Connection and/or User Fees.

~~D. Requests for waivers, reductions or refunds of the Connection Fee are not considered unless said fee has been received by BBARWA.~~

~~E.D.~~ E.D. The decision of the Governing Board is final with no further right of appeal.

All prior policies and portions of policies conflicting with this policy are hereby rescinded.

**III. PROCEDURES**

- A. All requests for waiver, reduction or refund of the Connection Fee must be submitted in writing by the Member Agencies and presented to the Governing Board for consideration.

**Section 2: Effective Date.** The policy adopted by this ordinance shall become effective on September 27, 2019.

**Section 3: Prior Actions Superseded.** All ordinances, resolutions or administrative actions by the Governing Board, or parts thereof that are inconsistent with any provision of this Ordinance, are hereby superseded only to the extent of such inconsistency. Specifically, this Ordinance supersedes and replaces Ordinance No. 03-2001 in its entirety.

**Section 4: Validity.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, including any portion of the fee adopted herein, such invalidity shall not affect other provisions or applications of this Ordinance, including any portion of the fee not held invalid, and to this end the provisions of this Ordinance are declared to be severable.

**Section 5: Publication-Notice.** This Ordinance shall become effective thirty days after adoption. The Secretary of this Governing Board shall cause a summary of this Ordinance to be published once in the Big Bear Grizzly at least five days prior to passage of this Ordinance and shall either post a copy of the full text of the Ordinance on BBARWA's website or shall post a certified copy of the full text in the office of the Secretary of BBARWA, at least five days prior to the date of passage. Once adopted, the Secretary shall cause the summary to be published within 15 days after passage of the Ordinance with the names of those Governing Board Members voting for and against this Ordinance and shall also either post a copy of the full text of the Ordinance and the names of those Governing Board Members voting for and against the Ordinance on the BBARWA web site, or shall post a full certified copy of the Ordinance with the names of those Governing Board Members voting for and against in the office of the Secretary. The Secretary of the Governing Board shall provide a copy of this Ordinance to the City of Big Bear Lake, the County of San Bernardino, and the Big Bear City Community Services District.

ADOPTED, this 28<sup>th</sup> day of August, 2019.

David Caretto, Chair of the Governing Board of the  
Big Bear Area Regional Wastewater Agency

ATTEST:

Karyn Oxandaboure, Secretary of the Governing Board  
of the Big Bear Area Regional Wastewater Agency

**ORDINANCE NO. O. 01-2019**

**AN ORDINANCE OF THE BIG BEAR AREA REGIONAL  
WASTEWATER AGENCY SUPERSEDING ORDINANCE  
NO. 03-2001 ESTABLISHING A POLICY FOR POTENTIAL  
REFUND OF CONNECTION FEES AND REPLACING  
WITH BOARD POLICY CONNECTION FEE: WAIVER,  
REDUCTION OR REFUND**

**WHEREAS**, the Governing Board ("Board") of the Big Bear Area Regional Wastewater Agency ("BBARWA") has been empowered to establish sewer rates and charges, including a regional Connection Fee ("Connection Fee") per Equivalent Dwelling Unit ("EDU"), which each Member Agency is required to charge each property owner who makes an application to connect a residence or business establishment to its sewage collection system; and

**WHEREAS**, the Connection Fee is imposed for the purpose of financing the design and construction of existing wastewater treatment facilities and planned capital improvements to the systems which are owned, operated and maintained by BBARWA; and

**WHEREAS**, property owners, within the boundaries of a Member Agency, are required to make an application for land use approval for construction or improvement of structures on their property ("Development"). The applicable land use approval agency commonly requires the property owner to establish that the Member Agency has set forth conditions upon which wastewater services will be provided to the Development. Said conditions include evidence of payment of the Connection Fee to the Member Agency which then transfers said payment to BBARWA; and

**WHEREAS**, the Board finds that it is appropriate and necessary to allow the Board to reduce the Connection Fee to a property owner who makes an application to connect a residence or business establishment to the sewer system where such a reduction is in the best interest of BBARWA's service territory, so long as there are sufficient unrestricted revenues to cover such a reduction in Connection Fee; and

**WHEREAS**, the Board finds that it is appropriate and necessary to establish a policy that provides a guideline to waive, reduce or refund the Connection Fee collected by Member Agencies on behalf of BBARWA; and

**WHEREAS**, the Board wishes to establish a procedure that all requests for waiver, reduction, or refund of the Connection Fee be submitted in writing by the Member Agencies and presented to the Governing Board for consideration.

**NOW, THEREFORE**, the Governing Board of the Big Bear Area Regional

Wastewater Agency ordains as follows:

Section 1: The Big Bear Area Regional Wastewater Agency's Connection Fee: Waiver, Reduction or Refund Policy is adopted as follows:

**BOARD POLICY  
CONNECTION FEE: WAIVER, REDUCTION OR REFUND**

**I. PURPOSE**

- A. To establish a policy that provides the guidelines to waive, reduce or refund the Connection Fee collected by the Member Agencies on behalf of BBARWA.

**II. POLICY**

- A. Occasionally a critical or special circumstance arises where an applicant for a particular residence or business establishment feels the need to request a waiver, reduction or refund of the Connection Fee collected by the Member Agencies on behalf of BBARWA.
- B. The authority to grant or deny such requests is reserved for the Governing Board during a regularly scheduled meeting. BBARWA staff is prohibited from granting or denying requests for waiver, reduction or refund of the Connection Fee collected by the Member Agencies.
- C. The Governing Board does not consider requests for waivers or reductions of Equivalent Dwelling Unit Counts/Inventories established by Member Agencies for Connection and/or User Fees.
- D. The decision of the Governing Board is final with no further right of appeal.

All prior policies and portions of policies conflicting with this policy are hereby rescinded.

**III. PROCEDURES**

- A. All requests for waiver, reduction or refund of the Connection Fee must be submitted in writing by the Member Agencies and presented to the Governing Board for consideration.

**Section 2:** Effective Date. The policy adopted by this ordinance shall become effective on September 27, 2019.

**Section 3:** Prior Actions Superseded. All ordinances, resolutions or administrative actions by the Governing Board, or parts thereof that are inconsistent with any provision of this Ordinance, are



hereby superseded only to the extent of such inconsistency. Specifically, this Ordinance supersedes and replaces Ordinance No. 03-2001 in its entirety.

**Section 4: Validity.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, including any portion of the fee adopted herein, such invalidity shall not affect other provisions or applications of this Ordinance, including any portion of the fee not held invalid, and to this end the provisions of this Ordinance are declared to be severable.

**Section 5: Publication-Notice.** This Ordinance shall become effective thirty days after adoption. The Secretary of this Governing Board shall cause a summary of this Ordinance to be published once in the Big Bear Grizzly at least five days prior to passage of this Ordinance and shall either post a copy of the full text of the Ordinance on BBARWA's website or shall post a certified copy of the full text in the office of the Secretary of BBARWA, at least five days prior to the date of passage. Once adopted, the Secretary shall cause the summary to be published within 15 days after passage of the Ordinance with the names of those Governing Board Members voting for and against this Ordinance and shall also either post a copy of the full text of the Ordinance and the names of those Governing Board Members voting for and against the Ordinance on the BBARWA web site, or shall post a full certified copy of the Ordinance with the names of those Governing Board Members voting for and against in the office of the Secretary. The Secretary of the Governing Board shall provide a copy of this Ordinance to the City of Big Bear Lake, the County of San Bernardino, and the Big Bear City Community Services District.

**ADOPTED**, this 28<sup>th</sup> day of August, 2019.

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David Caretto, Chair of the Governing Board of the  
Big Bear Area Regional Wastewater Agency

ATTEST:

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Karyn Oxandaboure, Secretary of the Governing Board  
of the Big Bear Area Regional Wastewater Agency