

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:
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 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 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: Reduction or Refund Policy is adopted as follows:

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

I. PURPOSE

- A. To establish a policy that provides the guidelines to 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 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 reduction or refund of the Connection Fee collected by the Member Agencies.
- C. The Governing Board does not consider requests for 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 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 28th day of August, 2019.



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

I, Karyn Oxandaboure, Secretary of the Governing Board of the Big Bear Area Regional Wastewater Agency, DO HEREBY CERTIFY that the foregoing Ordinance of the Governing Board 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: Reduction or Refund, being Ordinance O. 01-2019, was adopted at a regular meeting on August 28, 2019, of said Agency by the following vote:

AYES: 5

NOES: 0

ABSENT: 0

ABSTAIN: 0

ATTEST:

Caretto	Aye
Green	Aye
Oxandaboure	Aye
Herrick	Aye
Miller	Aye



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

APPROVED AS TO FORM:


General Counsel
Big Bear Area Regional Wastewater Agency