

BIG BEAR AREA REGIONAL WASTEWATER AGENCY

Regular Board Meeting of

August 28, 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 July 24, 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. Resolution No. R. 09-2019, A Resolution of the Governing Board of the Big Bear Area Regional Wastewater Agency Adopting the Annual Statement of Investment Policy
Approve
 - 5.G. Accept as Complete – Emergency Repair at the Lucerne Valley Reuse Facility –
Approve
 - 5.H. Carryover Appropriations – 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. **OLD BUSINESS**

9.A. Second Read and Adoption 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: Reduction or Refund

10. **NEW BUSINESS**

10.A. Resolution No. R. 10-2019, A Resolution of the Governing Board of the Big Bear Area Regional Wastewater Agency Adopting and Amending the Distribution Policy of Tickets and/or Passes to Conform with the Regulations of the Fair Political Practices Commission – Recommendation: Adopt

11. **CLOSED SESSION**

11.A. Conference with Real Property Negotiation
(Pursuant to Government Code Section 54956.8)
Property: 122 Palomino Dr., Big Bear City, CA. 92314
Agency Negotiator: David Lawrence
Negotiating Parties: Bear Valley Electric
Under Negotiation: Price and Terms

12. **INFORMATION/COMMITTEE REPORTS**

12.A. Plant Manager Update on the Emergency Work for the Oxidation Ditch Splitter Box Gates and Splitter Box Repair Project

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 to view and/or print the Agenda Package

BIG BEAR AREA REGIONAL WASTEWATER AGENCY
REGULAR BOARD MEETING MINUTES
July 24, 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 July 24, 2019, at 121 Palomino Drive, Big Bear City, California 92314.

BOARD MEMBERS PRESENT

David Caretto, Chair
John Green, Vice Chair
Karyn Oxandaboure, Secretary
Rick Herrick, Director
Jim Miller, Director

BOARD MEMBERS ABSENT

None

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

Secretary Oxandaboure

3. PRESENTATIONS AND INTRODUCTIONS

4. APPROVAL OF THE AGENDA

Upon motion made by Director Herrick, seconded by Secretary Oxandaboure and carried, the Governing Board approved the agenda as presented.

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

5. CONSENT CALENDAR

5.A. Minutes of the Regular Meeting on June 26, 2019

5.B. Monthly Expenses

5.C. Governing Board Member Reimbursement

5.D. Investment Report

5.E. Operations and Connections Report

5.F. Board Policy Review

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

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

6. ITEMS REMOVED FROM THE CONSENT CALENDAR

None

7. PUBLIC FORUM RESPONSE

None

8. PUBLIC FORUM

No comments

9. CLOSED SESSION

Entered closed session at 5:03 p.m. with one closed session item to be reviewed.

9.A. Public Employee Performance Evaluation

Pursuant to Government Code Section 54957.6

Title: General Manager

Chair Caretto reconvened open session at 6:22 p.m. with no reportable action.

10. OLD BUSINESS

None

11. NEW BUSINESS

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

Mr. Lawrence explained that Phase I of the project for preliminary engineering is 60% complete. Phase II focuses on program management and engineering services including funding procurement, outreach support, stakeholder coordination, and regulatory analysis and coordination. Discussion ensued between the Governing Board and staff.

Upon motion by Vice Chair Green, seconded by Director Herrick and carried, the Governing Board approved to appropriate \$820,000 to WSC for funding of Phase II with costs shared among GSA Member Agencies, resulting in a net cost to BBARWA not to exceed \$205,000 and 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.

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

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

Mr. Lawrence detailed the need for replacement of Cummins Electrical Breaker #1. Discussion ensued between the Governing Board and staff.

Upon motion by Director Miller, seconded by Vice Chair Green and carried, the Governing Board approved an appropriation of \$15,000 for the purchase and installation of Cummins Electrical Breaker #1 from the Operating Contingency Fund.

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

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

Mr. Lawrence summarized the issues with the gate valves not seating correctly in the North and South Ponds. Discussion ensued between the Governing Board and staff.

Upon motion by Director Herrick, seconded by Secretary Oxandaboure and carried, the Governing Board approved an appropriation of \$41,000 for the gate valves from the Capital and Replacement Fund.

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

11.D. Constructive Receipt Doctrine

Ms. McCullar presented the Constructive Receipt Doctrine which proposes changes to the Personnel Policies and Procedures Manual that will provide for six-month advance elections of vacation and sick leave cash outs, compensatory time in lieu of overtime pay, and mandatory annual cash out of compensatory time and administrative leave in excess of 40 hours. Discussion ensued between the Governing Board and staff.

Upon motion by Vice Chair Green, seconded by Secretary Oxandaboure and carried, the Governing Board approved the recommended changes to the Personnel Policies and Procedures Manual that includes provisions to comply with the Constructive Receipt Doctrine, new language to provide for proration of floating holiday time and administrative leave for new hires, adding floating holiday time to compensatory and administrative leave balances (previously added to vacation leave balances), and modifying the Base Pay definition to include longevity pay (clarification).

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

11.E. 2019 BBARWA Operational Review

The Agency received three proposals, which were presented to and reviewed by the Operations Committee. Discussion ensued between the Governing Board and staff.

Upon motion by Director Miller, seconded by Director Herrick and carried, the Governing Board approved to table this item.

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

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

Chair Caretto introduced Ordinance No. O. 01-2019. Mr. Lawrence explained that the active Ordinance and related policy directly conflict with one another on the authority to grant or deny connection fee refunds. The revision to the Ordinance would give the authority back to the Governing Board to grant or deny waivers, reductions or refunds. Discussion ensued between the Governing Board and staff.

Upon motion by Vice Chair Green, seconded by Director Miller and carried, the Governing Board approved to introduce Ordinance No. O. 01-2019 by title only and directed staff to seek Agency counsel regarding changing or removing the word “waiver” from the Ordinance and bring Ordinance No. O. 01-2019 back to the Governing Board in August for the second read and adoption.

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

12. INFORMATION/COMMITTEE REPORTS

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

Mr. Shimmin provided an update on the project and explained the ongoing issues with the vault lids. The project will be complete once the vault lids are installed.

12.B. Plant Manager Update on the Emergency Work for the Oxidation Ditch Splitter Box Gates and Splitter Box Repair Project

Mr. Shimmin provided an update on the project. The parts are on order and the project should begin shortly thereafter.

12.C. Administrative Committee Meeting Update

Vice Chair Green provided an update on the Administrative Committee Meeting on July 9, 2019.

12.D. Operations Committee Meeting Update

Director Herrick provided an update on the Operations Committee Meeting that was held prior to the Regular Board Meeting on July 24, 2019.

13. **ADJOURNMENT**

With no further business to come before the Governing Board, Chair Caretto adjourned the meeting at 7:12 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

AGENDA ITEM: 5.B.

MEETING DATE: August 28, 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 *JM*

SUBJECT: Monthly Expenses

BACKGROUND:

Attached is the Agency's July 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 Jul 1, 2019 to Jul 31, 2019

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

Check #	Date	Payee	Cash Account	Amount
19554	7/10/19	AG TECH LLC	1000-20	15,613.11
19555	7/10/19	AMAZON CAPITAL SERVICES	1000-20	1,278.41
19556	7/10/19	ARAMARK UNIFORM SERVICES	1000-20	1,138.00
19557	7/10/19	BIG BEAR CITY COMMUNITY SERVICES DIST.	1000-20	666.36
19558	7/10/19	BIG BEAR PAINT CENTER	1000-20	107.69
19559	7/10/19	BUTCHER'S BLOCK & BUILDING	1000-20	103.69
19560	7/10/19	BEAR VALLEY ELECTRIC	1000-20	9,161.07
19561	7/10/19	CAR QUEST OF BIG BEAR	1000-20	47.63
19562	7/10/19	CLINICAL LAB OF SAN BERNARDINO	1000-20	6,537.50
19563	7/10/19	UNDERGROUND SERVICE ALERT	1000-20	107.95
19564	7/10/19	DIY HOME CENTER-BIG BEAR	1000-20	271.47
19565	7/10/19	TOM DODSON & ASSOCIATES	1000-20	1,500.00
19566	7/10/19	DEPARTMENT OF WATER & POWER	1000-20	54.01
19567	7/10/19	ENVIRONMENTAL OUTSOURCE, INC.	1000-20	950.00
19568	7/10/19	EVANTEC CORPORATION	1000-20	2,751.64
19569	7/10/19	FLYERS ENERGY	1000-20	1,114.08
19570	7/10/19	GEIGER SUPPLY, INC	1000-20	61.79
19571	7/10/19	GRAINGER	1000-20	2,654.05
19572	7/10/19	THE LITTLE GREEN HOUSE FLORIST	1000-20	79.20
19573	7/10/19	M & M MECHANICAL SERVICES, INC.	1000-20	165.00
19574	7/10/19	MCR TECHNOLOGIES, INC.	1000-20	23,191.83
19575	7/10/19	DOUGLAS KEN HOLDINGS	1000-20	486.00
19576	7/10/19	RANDY J. SPITZ	1000-20	39.50
19577	7/10/19	NAPA AUTO PARTS	1000-20	82.08
19578	7/10/19	NATIVESCAPES INC	1000-20	350.00
19579	7/10/19	NORTHERN TOOL & EQUIPMENT	1000-20	8,344.25
19580	7/10/19	NUTRIEN AG SOLUTIONS, INC.	1000-20	581.15
19581	7/10/19	QUILL	1000-20	381.70
19582	7/10/19	REBEL OIL CO., INC.	1000-20	285.00
19583	7/10/19	TWIN BEAR EQUIPMENT RENTAL, INC	1000-20	199.73
19584	7/10/19	USA BLUEBOOK	1000-20	33.88
19585	7/10/19	WATER SYSTEMS CONSULTING, INC.	1000-20	98,119.11
19586	7/10/19	ACCENT COMPUTER SOLUTIONS, INC.	1000-20	358.98

Big Bear Area Regional Wastewater Agency
Check Register
For the Period From Jul 1, 2019 to Jul 31, 2019

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

Check #	Date	Payee	Cash Account	Amount
19587	7/10/19	BIG BEAR BODYTEK	1000-20	630.00
19588	7/10/19	COSTCO MEMBERSHIP	1000-20	60.00
19589	7/10/19	DIRECT TV	1000-20	66.99
19590	7/10/19	FRONTIER COMMUNICATIONS	1000-20	700.02
19591	7/10/19	NAVY MEN, LLC	1000-20	1,343.28
19592	7/10/19	HUGHESNET	1000-20	102.33
19593	7/10/19	NEW PIG CORPORATION	1000-20	893.27
19594	7/10/19	CONSTANCE M. ALVARADO	1000-20	55.00
19595	7/10/19	ROTARY CLUB OF BIG BEAR LAKE	1000-20	500.00
19596	7/10/19	SDRMA	1000-20	113,595.3
19597	7/10/19	SPECTRUM BUSINESS	1000-20	1,334.69
19598	7/10/19	JON E. WREESMAN	1000-20	443.50
19599	7/10/19	BRIDGETTE BURTON	1000-20	50.00
19600	7/10/19	DAVID LAWRENCE	1000-20	50.00
19601	7/10/19	JENNIFER MCCULLAR	1000-20	50.00
19602	7/10/19	JOHN SHIMMIN	1000-20	50.00
19603	7/10/19	DAVID A. CARETTO	1000-20	150.00
19604	7/10/19	JOHN GREEN	1000-20	150.00
19605	7/10/19	RICHARD T. HERRICK	1000-20	150.00
19606	7/10/19	JAMES J. MILLER	1000-20	300.00
19607	7/10/19	KARYN K. OXANDABOURE	1000-20	150.00
19608	7/23/19	BEST BEST & KRIEGER	1000-20	8,568.97
19609	7/23/19	CALIF DEPT OF TAX & FEE ADMINISTRATION	1000-20	146.00
19610	7/23/19	COUNTY OF SAN BERNARDINO SOLID WASTE MN	1000-20	147.04
19611	7/23/19	TOM DODSON & ASSOCIATES	1000-20	1,650.00
19612	7/23/19	BEAR VALLEY BASIN GSA	1000-20	154.82
19613	7/23/19	JUST ENERGY SOLUTIONS INC.	1000-20	14,826.19
19614	7/23/19	SOUTHWEST GAS CORP	1000-20	13,533.81
19615	7/23/19	NANCY R. BOHL, INC.	1000-20	240.00
19616	7/23/19	WATER SYSTEMS CONSULTING, INC.	1000-20	19,945.33
19617	7/23/19	ACCENT COMPUTER SOLUTIONS, INC.	1000-20	23,901.33
19618	7/23/19	AMAZON CAPITAL SERVICES	1000-20	287.80
19619	7/23/19	A PLUMBING & HEATING, INC.	1000-20	1,385.89

**Big Bear Area Regional Wastewater Agency
Check Register
For the Period From Jul 1, 2019 to Jul 31, 2019**

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

Check #	Date	Payee	Cash Account	Amount
19620	7/23/19	ARROWHEAD	1000-20	164.57
19621	7/23/19	BEAR VALLEY FIRE PROTECTION, INC.	1000-20	590.98
19622	7/23/19	BEAR VALLEY PAVING, INC.	1000-20	5,000.00
19623	7/23/19	CALOLYMPIC SAFETY	1000-20	760.74
19624	7/23/19	CWEA TCP/MEMBERSHIP	1000-20	927.00
19625	7/23/19	GRAINGER	1000-20	531.59
19626	7/23/19	MCMASTER-CARR SUPPLY COMPANY	1000-20	462.87
19627	7/23/19	RANDY J. SPITZ	1000-20	126.60
19628	7/23/19	NORTHERN TOOL & EQUIPMENT	1000-20	377.72
19629	7/23/19	PHENOVA	1000-20	458.89
19630	7/23/19	POLYDYNE INC	1000-20	3,437.08
19631	7/23/19	REBEL OIL CO., INC.	1000-20	1,943.71
19632	7/23/19	SOUTH COAST AQMD	1000-20	7,615.11
19633	7/23/19	SOUTHERN CALIFORNIA EDISON	1000-20	37.81
19634	7/23/19	SERVICEMASTER 360 PREMIER CLEANING	1000-20	649.53
19635	7/23/19	SOUTHWEST GAS	1000-20	123.54
19636	7/23/19	VERIZON WIRELESS	1000-20	290.45
19637	7/23/19	ARLANDA, LLC	1000-20	850.00
19638	7/23/19	TROY BEMISDARFER	1000-20	283.55
19639	7/23/19	BUSINESS CARD	1000-20	1,178.13
19640	7/23/19	RYAN CONNELLY	1000-20	283.55
19641	7/23/19	CHRIS SANTILLAN	1000-20	283.55
Total				408,804.4




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.C.

MEETING DATE: August 28, 2019

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

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

PREPARED BY: Jennifer McCullar, Finance Manager 

SUBJECT: Governing Board Member Reimbursement

BACKGROUND:

Attached are the July meeting records for each Governing Board Member and represent 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: David Caretto

Date Submitted: 7/24/19

Month Covered: July 2019

BBARWA Regular Meeting Attended: _____ Date: 7/24/19 Compensation \$ 150⁰⁰

PURPOSE

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

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

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

PURPOSE

BBARWA Committee Meeting Attended: Ad Min Comm Date: 7/9/19 \$ 150

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) \$ 300⁰⁰

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 \$ 300⁰⁰

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: 7-24-19

Month Covered: _____

BBARWA Regular Meeting Attended: _____ Date: 7-24-19 Compensation \$ 150-

BBARWA Special Meeting Attended: ADMIN Date: 7-9-19 \$ 150-

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) \$ 300-

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 \$ 300-

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

BIG BEAR AREA REGIONAL WASTEWATER AGENCY

REPORT OF MEETINGS ATTENDED

Governing Board Member: Karyn Oxandaboure *Karyn Oxandaboure*

Date Submitted: 7-24-19

Month Covered: July

BBARWA Regular Meeting Attended: _____ Date: 7-24-19 Compensation \$ 150⁰⁰

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) \$ 150⁰⁰

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 \$ 150⁰⁰

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

BIG BEAR AREA REGIONAL WASTEWATER AGENCY

REPORT OF MEETINGS ATTENDED

Governing Board Member: Jim Miller

Date Submitted: 7-27

Month Covered: July

BBARWA Regular Meeting Attended: _____ Date: 7-24-19 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) \$ 150

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: 7-24-19

Month Covered: J

BBARWA Regular Meeting Attended: Date: 7-24-19 Compensation \$ 150.00

PURPOSE

BBARWA Special Meeting Attended: OPERATIONS Date: \$

BBARWA Special Meeting Attended: Date: \$

BBARWA Special Meeting Attended: Date: \$

PURPOSE

BBARWA Committee Meeting Attended: OPERATIONS Date: 7-24-19 \$

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) \$ 150.00

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

Table with 3 columns: RATES & CALCS, CODING, AMOUNT. Rows include OPER. REVIEW, EXPEN. APP., and FIN. REVIEW.



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.D.

MEETING DATE: August 28, 2019

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

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

PREPARED BY: Jennifer McCullar, Finance Manager 

SUBJECT: Investment Report

BACKGROUND:

Attached is the July 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
 July 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	\$ 6,598,540	\$ 6,609,835	43,304	2.428%	DAILY
TOTAL	\$ 6,598,540	\$ 6,609,835	43,304		

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 during FY 2020 and excludes accrued interest.

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
August 20, 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](#)

July 2019 Statement

Effective Date	Transaction Date	Tran Type	Confirm Number	Authorized Caller	Amount
7/10/2019	7/10/2019	RW	1610258	JENNIFER MCCULLAR	-500,000.00
7/15/2019	7/12/2019	QRD	1611798	SYSTEM	43,304.32

Account Summary

Total Deposit:	43,304.32	Beginning Balance:	7,055,235.38
Total Withdrawal:	-500,000.00	Ending Balance:	6,598,539.70



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: August 28, 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; and Jennifer McCullar, Finance Manager *JM*

REVIEWED BY: Kim Booth, Administrative Assistant *KB*

SUBJECT: Operations and Connections Report

OPERATIONS:

2019 Treatment Plant Data

	May	June	July
Total Influent Flow (MG)	56.048	52.692	58.139
Average Daily Influent Flow (MGD)	1.81	1.70	1.88
City of Big Bear Lake	53.25%	51.58%	51.41%
Big Bear City	42.71%	43.55%	43.73%
County of San Bernardino	4.04%	4.88%	4.86%
Average Influent BOD (mg/L)	223	317	417
Average Effluent BOD (mg/L)	7	12	6
BOD Removal Efficiency (%)	96.9%	96.2%	98.6%
Precipitation (inch)	0.64	0.08	0.71

Moved: _____ Second: _____ Ayes: _____ Noes: _____ Abstain/Absent: _____

Approved Date: _____ Witness: _____

Secretary of the Governing Board

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

CONNECTIONS:

MONTH								FYE 6/30/2020		
	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	CITY-BBL	CSD	CSA-53B
July	4	4	8	3	4	3	7	5	2	0
August	4	6	5	12	6	10	0	0	0	0
September	4	5	6	4	6	3	0	0	0	0
October	6	14	10	9	8	3	0	0	0	0
November	13	8	6	5	11	5	0	0	0	0
December	0	23	8	4	2	3	0	0	0	0
January	2	3	1	0	0	1	0	0	0	0
February	2	1	0	1	0	0	0	0	0	0
March	2	2	3	2	0	3	0	0	0	0
April	5	1	10	3	0	3	0	0	0	0
May	2	5	10	4	0	5	0	0	0	0
June	1	12	2	16	0	6	0	0	0	0
TOTAL	45	84	69	63	37	45	7	5	2	0

FINANCIAL IMPACT:

There is 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

AGENDA ITEM: 5.F.

MEETING DATE: August 28, 2019

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

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

PREPARED BY: Jennifer McCullar, Finance Manager 

SUBJECT: Resolution No. R. 09-2019, A Resolution of the Governing Board of the Big Bear Area Regional Wastewater Agency Adopting the Annual Statement of Investment Policy

BACKGROUND:

The Annual Statement of Investment Policy is attached as Exhibit A to Resolution No. R. 09-2019. The state legislature encourages local agencies to review the investment policy annually to ensure that public funds are being invested in safe and liquid vehicles. The investment policy and resolution remain unchanged from the prior year.

FINANCIAL IMPACT:

There is no financial impact.

RECOMMENDATION:

Approve

ATTACHMENT:

Resolution No. R. 09-2019

Moved: _____ Second: _____ Ayes: _____ Noes: _____ Abstain/Absent: _____

Approved Date: _____ Witness: _____

Secretary of the Governing Board

RESOLUTION NO. R. 09-2019

**A RESOLUTION OF THE GOVERNING BOARD OF THE
BIG BEAR AREA REGIONAL WASTEWATER AGENCY
ADOPTING THE ANNUAL STATEMENT OF INVESTMENT POLICY**

WHEREAS, the Governing Board has heretofore established general funds from which monies may be expended for general operating purposes; and

WHEREAS, the Governing Board has, in addition, established designated funds from which monies may be expended for specific purposes only; and

WHEREAS, the Big Bear Area Regional Wastewater Agency has on hand in the general and designated funds, from time to time, monies that are not required for immediate expenditure; and

WHEREAS, it has been determined to be in the public interest to invest such monies in a manner that seeks to ensure the preservation of capital while meeting the liquidity needs of the Agency;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Board of the Big Bear Area Regional Wastewater Agency that the Agency's Annual Statement of Investment Policy, attached hereto as Exhibit "A," is hereby approved and adopted and all prior resolutions or portions thereof that conflict with this resolution are rescinded and all prior resolutions or portions thereof that are repeated by this resolution are replaced.

ADOPTED this 28th 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

EXHIBIT “A”

BIG BEAR AREA REGIONAL WASTEWATER AGENCY

BOARD POLICY

INVESTMENT

I. Policy Statement

The Big Bear Area Regional Wastewater Agency (“Agency”) has been entrusted with a special privilege and a unique responsibility to manage and protect public dollars. When managing public funds, the Agency understands that investment success can not be measured in terms of achieving the highest possible return but must be measured in terms of prudent investing that utilizes uncommitted dollars in safe, short-term instruments to earn the Agency reasonable returns with the least amount of risk and to maintain adequate liquidity.

II. Scope

This investment policy applies to all financial assets of the Agency which include:

1. Idle short-term operating cash.
2. Deposits held by fiscal agents, in accordance with the provisions of the applicable debt agreements, not necessarily limited to the specific investment types authorized under Section IV, Authorized Investments, set forth in this policy.
3. Restricted designated funds.

III. Objective

The primary objectives, in priority order, of the Agency’s investment activities shall be:

1. **Safety:** Safety of principal is the foremost objective of the investment program. Investments of the Agency shall be undertaken in a manner that seeks to ensure the preservation of capital.

2. **Liquidity:** The Agency's investment portfolio will remain sufficiently liquid to meet all operating requirements.
3. **Yield:** The investment portfolio shall be designed with the objective of attaining a rate of return commensurate with the Agency's investment risk constraints and liquidity needs. Return on investment is of least importance compared to the safety and liquidity objectives described above.

IV. Authorized Investments

The following investments will be permitted by this policy and are authorized pursuant to California Government Code 53600 et seq.:

1. The Local Agency Investment Fund (LAIF) managed by the Treasurer of the State of California.
2. Certificates of Deposit insured by the Federal Deposit Insurance Corporation. Maturities are not to exceed two years from the date of purchase. Purchases may not exceed 30 percent of the Agency's surplus money.
3. United States Treasury Bills, Notes and Bonds for which the full faith and credit of the United States are pledged for the payment of principal and interest. Maturities are not to exceed two years from the date of purchase.
4. Triple-A rated money market mutual funds regulated by the Securities and Exchange Commission and whose portfolios consist only of United States Treasury securities.

V. Delegation of Authority

Management responsibility for the investment program is hereby delegated to the Finance Manager and the General Manager of the Agency, who may invest the Agency's funds consistent with this investment policy and who shall establish procedures and a system of controls for the operation of the investment program consistent with this investment policy.

VI. Reporting

The Finance Manager shall render an investment report to the General Manager and the Governing Board of the Agency on a monthly basis.

1. The investment report shall include the type of investment, institution, date of maturity, par and dollar amount invested on all securities, interest rate, share of the liquid value, investments and monies held by the Agency, and shall additionally, include a description of any of the Agency's funds, investments or programs, that are under the management of contracted parties, including lending programs. With respect to all securities held by the Agency, and under management of any outside party that is not also a local agency or the State of California Local Agency Investment Fund, the report shall also include a current market value as of the date of the report.
2. The investment report shall include a statement denoting the ability of the local agency to meet its expenditure requirements for the next six months or an explanation as to why sufficient money will not or may not be available.

VII. Standards of Care

1. Prudence

The Governing Board, General Manager and Finance Manager of the Agency are trustees and therefore fiduciaries subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds, a trustee shall act with care, skill, prudence and diligence under the circumstances then prevailing, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the Agency.

2. Ethics and Conflicts of Interest

In the manner required by applicable law, Officers and Employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.

VIII. Policy Adoption

The Governing Board shall adopt the Agency's investment policy on an annual basis at a public meeting. Any modifications to the policy shall also be considered at a public meeting.



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.G.

MEETING DATE: August 28, 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: Accept as Complete – Emergency Repair at the Lucerne Valley Reuse Facility

BACKGROUND & DISCUSSION:

The Colorado River Basin Regional Water Quality Control Board issued Board Order R7-2016-0026, which details effluent water discharge requirements into the Lucerne Valley Reuse Facility. The discharge requirements include monthly inspections to assure all systems and components are properly operated and maintained. During the April 19, 2018 site inspection, staff discovered multiple equipment failures at the Lucerne Valley Reuse Facility. Drinking water wells located in the area qualified the project as an imminent risk to public health and necessitated the need for emergency repair. On May 15, 2018, staff conducted the contractor job walk and requested a bid submittal deadline of May 18, 2018.

At the May 23, 2018, Regular Meeting, the Governing Board approved Resolution No. R. 04-2018, A Resolution of the Governing Board of the Big Bear Area Regional Wastewater Agency Making Emergency Findings and Authorizing an Emergency Contract for the Lucerne Valley Reuse Facility and authorized an appropriation up to \$200,000 for the emergency repair.

Below is a table showing the final Project costs:

Contractor	Total
Bruce Frost Company, Inc.	\$124,980
Estrada's Construction, Landscaping, and Fencing	\$40,883
Direct Signs	\$6,639
Lynn Merrill & Associates	\$7,684
Total Project Cost	\$180,186

Moved: _____ Second: _____ Ayes: _____ Noes: _____ Abstain/Absent: _____

Approved Date: _____ Witness: _____

Secretary of the Governing Board

FINANCIAL IMPACT:

There is no financial impact. Funds have previously been appropriated.

RECOMMENDATION:

1. Accept the Emergency Repair at the Lucerne Valley Reuse Facility Project as complete; and
2. Authorize the General Manager to file the Notice of Completion with the County Recorder's Office.

ATTACHMENT: Notice of Completion

RECORDING REQUESTED BY:

WHEN RECORDED, PLEASE MAIL TO:

Big Bear Area Regional Wastewater Agency
PO Box 517
Big Bear City, CA 92314

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is OWNER or agent of the OWNER of the interest or estate state below in the property hereinafter described.
2. The FULL NAME of the OWNER is Big Bear Area Regional Wastewater Agency
3. The FULL ADDRESS OF THE owner is 121 Palomino Drive, Big Bear City, CA 92314
4. The NATURE of the INTEREST or ESTATE of the undersigned is:
Agent and owner that constructed the improvements
5. The FULL NAMES and FULL ADDRESSES of ALL PERSONS, if any, WHO HOLD SUCH INTEREST or ESTATE with the undersigned as JOINT TENANTS or as TENANTS IN COMMON are:

NAMES

ADDRESSES

6. The full name and full addresses of the predecessors in interest of the undersigned if the property was transferred subsequent to the commencement of the work of improvement herein referred to:

NAMES

ADDRESSES

7. A work of improvement on the property hereinafter described was completed on August 28, 2019.
8. The work of improvement completed is described as follows: Emergency Repair at the Lucerne Valley Reuse Facility.
9. The NAME OF THE ORIGINAL CONTRACTORS, if any, for such work of improvement is Bruce Frost Company, Inc.; Estrada's Construction, Landscaping, and Fencing; Direct Signs and Printing; Lynn Merill and Associates, Inc.
10. The street address of said property is APN 0449-082-040000
11. The property on which said work of improvement was completed is in the County of San Bernardino, State of California.

Date: _____ Signature of Owner or agent of owner _____

Verification for INDIVIDUAL owner _____, I, the undersigned, declare under penalty of perjury under the laws of the State of California that I am the owner of the aforesaid interest or estate in the property described in the above notice that I have read said notice, that I know and understand the contents thereof, and that the facts stated there in are true and correct.

Date and Place

(Signature of owner named in paragraph 2)

Verification for NON-INDIVIDUAL owner I, the undersigned, declare under penalty of perjury under the laws of the State of California that I am the _____ of the aforesaid interest or estate in the property described in the above notice that I have read said notice, that I know and understand the contents thereof, and that the facts stated there in are true and correct.

Date and Place

(Signature of person signing on behalf of owner)



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.H.

MEETING DATE: August 28, 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 *JM*

SUBJECT: Carryover Appropriations

BACKGROUND:

The Board appropriated funds in FY 2019 for projects and purchases that were not completed at year end and will need to be completed in FY 2020. The following will be carried over and added to the FY 2020 Budget.

Capital Expenditures		Operating and Non-Operating Expenses	
Admin Building Cabinetry	\$ 7,800	RAS Pump Valve	4,573
Asphalt and Paving	24,001	Lucerne Valley Emergency Repairs	54,825
Catus Flats Repair	85,000	WSC SSMP	13,628
Conveyor	199,453	WSC Capacity Analysis Trunkline	5,798
Fire Alarm System	5,900	WSC Prelim Engineering RBB	67,563
Headworks Engineering	50,000	Tom Dodson Environmental RBB	31,375
Hopper and Footing	362,355	GSA General Expenses	8,034
LV Automatic Control Valves	7,665		<u>\$ 185,796</u>
Main Pump Building Metal Siding	12,000		
Belt Press	183,776		
Pump Rebuilds	14,457		
SCADA Replacement Project	20,087		
Splitter Box Building	54,960		
Splitter Box Repair	41,750		
Splitter Gates	78,250		
SSB Improvements	41,000		
Station 1 Generator and Fuel System	39,194		
	<u>\$ 1,227,648</u>		

FINANCIAL IMPACT:

There is no financial impact since the funds have previously been appropriated. The FY 2020 Budget will be revised to increase the respective line items by the amounts noted above.

Moved: _____ Second: _____ Ayes: _____ Noes: _____ Abstain/Absent: _____

Approved Date: _____ Witness: _____

Secretary of the Governing Board

RECOMMENDATION:

Approve carryover appropriation for the FY 2020 Budget.



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

AGENDA ITEM: 9.A.

MEETING DATE: August 28, 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 *fb*

SUBJECT: Second Read and Adoption 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: 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.

At the July 24, 2019 Regular Meeting, the Governing Board approved to introduce this Ordinance by title only and directed staff to seek Agency counsel regarding changing or removing the word “waiver” from the Ordinance and bring Ordinance No. O. 01-2019 back to the Governing Board in August for the second read and adoption.

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

Moved: _____ Second: _____ Ayes: _____ Noes: _____ Abstain/Absent: _____

Approved Date: _____ Witness: _____

Secretary of the Governing Board

practice, we believe it is in the best interest of the Agency that the authority to grant or deny a reduction or refund 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.

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:

Adopt Ordinance

ATTACHMENTS:

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

AGENDA ITEM: 9.A.

SUBJECT: Introduction and Second 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: 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.
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	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.
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	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>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.</p>	<p>Remove.</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>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.</p>	<p>Remove.</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>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 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"> 1. <u>Policy for Potential Refund of Connection Fee.</u> 2. <u>Criteria for Entering into Agreement for Potential Refund of Connection Fee.</u> 3. <u>Request to Enter into Agreement for Potential Refund of Connection Fee.</u> 4. <u>Agreement for Potential Refund of Connection Fee.</u> 	<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 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 reduction or refund.</p>
	<p>Connection Fee: 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>

Original Text	Proposed Revision	Reason for Revision
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: 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 Connection Fee ("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 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, ~~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: 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 27th day of June, 2001.~~

~~DR. DONALD EADS~~

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

ATTEST:

~~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. 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 28th 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:
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:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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



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

AGENDA ITEM: 10.A.

MEETING DATE: August 28, 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: Resolution No. R. 10-2019, A Resolution of the Governing Board of the Big Bear Area Regional Wastewater Agency Adopting and Amending the Distribution Policy of Tickets and/or Passes to Conform with the Regulations of the Fair Political Practices Commission

BACKGROUND:

On December 11, 2008, the Fair Political Practices Commission (FPPC) adopted new regulations that defined the circumstances under which the receipt of tickets and passes by a public official would need to be disclosed by the Agency and the circumstances under which they would be distributed to public officials and not trigger disclosure requirements for the purposes of the public official's Statement of Economic Interests (Form 700).

At the Regular Meeting on September 23, 2009, the Governing Board adopted Resolution No. R. 05-2009 A Resolution of the Governing Board of the Big Bear Area Regional Wastewater Agency Regarding the Receipt and Distribution Policy of Tickets and/or Passes in the Furtherance of the Agency's Reasonably Defined Public Purposes, which outlined the Agency's adherence to the new regulations.

DISCUSSION:

Since 2009, the FPPC has amended and repealed several sections of Regulation 18944.1. The May 16, 2019 amendment and re-adoption establishes a procedure for agencies that provide tickets to their officials that, if utilized, will result in the tickets not qualifying as gifts under the Political Reform Act, where the official may accept the ticket if there is a public purpose achieved through that official's use of the ticket. In particular:

- The use of the ticket must further a governmental or public purpose.

Moved: _____ Second: _____ Ayes: _____ Noes: _____ Abstain/Absent: _____

Approved Date: _____ Witness: _____

Secretary of the Governing Board

- The Agency must adopt a ticket distribution policy that contains provisions set forth in the Regulation.
- The Agency must complete a form for each distribution that must be maintained as a public record and subject to inspection and copying.
- The form for each ticket distribution must be forwarded to the FPPC for posting.

Tickets distributed under the policy, including tickets distributed at the behest of a public official, must be identified on Form 802 and posted on the Agency's website to comply with this regulation. Where the distribution is made pursuant to the public purpose exception, that purpose must also be described on the form.

The Resolution and accompanying policy have been prepared by the Agency's counsel, Best Best & Krieger, and are attached hereto.

FINANCIAL IMPACT:

There is no financial impact.

RECOMMENDATION:

Approve

ATTACHMENTS:

- Resolution No. R. 10-2019 (marked version to show revisions)
- Resolution No. R. 10-2019

RESOLUTION NO. ~~R.05-2009~~

A RESOLUTION OF THE GOVERNING BOARD OF THE BIG BEAR AREA REGIONAL WASTEWATER AGENCY ~~REGARDING THE RECEIPT~~ ADOPTING AND AMENDING THE DISTRIBUTION POLICY OF TICKETS AND/OR PASSES IN THE FURTHERANCE OF THE AGENCY'S REASONABLY DEFINED PUBLIC PURPOSES TO CONFORM WITH REGULATIONS OF THE FAIR POLITICAL PRACTICES COMMISSION

WHEREAS, the Fair Political Practices Commission ("FPPC") adopted Section 18944.1, Title 2, California Code of Regulations (Regulation 18944.1) to regulate the distribution and disclosure by public agencies of certain tickets and passes to public officials and employees; and

WHEREAS, Regulation 18944.1 provides that a ticket and pass distributed pursuant to an adopted policy and properly disclosed by the agency is not a gift to the public official and does not trigger a disclosure requirement on the official's Statement of Economic Interests, Form 700; and

WHEREAS, the Big Bear Area Regional Wastewater Agency ("Agency") adopted a ticket distribution policy pursuant to Regulation 18944.1 to provide for the distribution of such tickets or passes; and

WHEREAS, on May 16, 2019, the FPPC amended and adopted Regulation 18944.1 in order to clarify the valuation of tickets and passes, and include revisions affecting public agency distribution policy requirements; and

WHEREAS, from time to time, the ~~Big Bear Area Regional Wastewater Agency ("Agency") receives~~ Agency may receive complimentary or discounted "tickets or passes" from third party sources, both public and private, for distribution to Agency officials; and

~~WHEREAS, under Title 2 of the California Code of Regulations, Section 18944.1 ("Section 18944.1") these tickets and/or passes are defined as an admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose; and~~

WHEREAS, the distribution to and use of such tickets and passes by Agency officials frequently serve legitimate governmental and/or public purposes; and

WHEREAS, the Agency finds that the receipt of all such discounted, free or purchased based on such practice and the amended Regulation 18944.1, the Agency desires to update its policy regarding the distribution of tickets and/or passes ~~are public resources~~; and

~~WHEREAS, on December 11, 2008, the Fair Political Practices Commission ("FPPC") adopted new regulations that set up the circumstances under which the receipt of tickets and passes by a public official would need to be disclosed by the Agency and the circumstances under which they would be distributed to public officials and not trigger~~

disclosure requirements for the purposes of the public official's Statement of Economic Interests ("Form 700"); and

~~WHEREAS, the Agency desires to distribute these public resources in a manner that furthers the Agency's governmental and public purposes as reasonably described herein, such as the promotion of Agency activities, including environmentally friendly wastewater conveyance, treatment and disposal and related statewide and regional water policy issues affecting or involving the Agency; and~~

~~WHEREAS, according to Section 18944.1 these tickets and/or passes are not gifts to "public officials" if these tickets and/or passes are disseminated in accordance with a duly adopted written policy written in compliance with Section 18944.1, subdivision (b)(2); and~~

~~WHEREAS, the FPPC has clearly stated that it recognizes the discretion of the legislative or governing body of an agency to determine whether the proposed Agency Distribution Policy of Tickets and/or Passes serves a legitimate public purpose of the Agency, provided that the determination is consistent with state law, incorporates the recent revisions to Regulation 18944.1 by the FPPC to ensure that the policy establishes a fair and equitable process for the distribution to Agency officials of such tickets and passes by the Agency, in compliance with the requirements of FPPC Regulations.~~

NOW THEREFORE, BE IT RESOLVED, the Governing Board of the Big Bear Area Regional Wastewater Agency, ~~California~~ hereby adopts the following:

Section 1. The foregoing recitals are true and correct.

Section 2. Resolution No. R.05-2009, adopted September 23, 2009, and all other previous ticket distribution policies adopted by the Governing Board of Big Bear Area Regional Wastewater Agency, are hereby repealed in their entirety.

Section 3. The Governing Board hereby approves and adopts the Big Bear Area Regional Wastewater Agency's Distribution Policy of Tickets and/or Passes as amended in accordance with FPPC Regulations, and attached hereto as Exhibit "A."

Section 4. The General Manager is directed to implement this Policy.

Section 5. The Resolution shall take effect immediately upon adoption.

Section 6. The Secretary of the Board shall certify the adoption of this Resolution.

PASSED, APPROVED AND 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 Resolution of the Governing Board of the Big Bear Area Regional Wastewater Agency Adopting and Amending the Distribution Policy of Tickets and/or Passes to Conform with Regulations of the Fair Political Practices Commission, being Resolution No. R. 10-2019 was adopted at a regular meeting on August 28, 2019, of said Agency by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

EXHIBIT 'A'

BIG BEAR AREA REGIONAL WASTEWATER AGENCY TICKETS AND/OR PASSES DISTRIBUTION POLICY

Section 1. Purpose of Policy. The purpose of this Policy is to ensure that all tickets and/or passes provided to the Agency ~~shall be~~ are distributed in furtherance of governmental and/or public purposes as required under Section 18944.1, Title 2, California Code of Regulations ("Regulation 18944.1").

Section 2. Limitations:

~~a. This Policy shall only apply to the Agency's distribution of tickets and/or passes to, or at the behest of, a public official for which no consideration of equal or greater value is provided by the public official.~~

In addition, the purpose of this Policy is to ensure that tickets distributed by the Agency under this Policy are disclosed on Form 802 and posted to the Agency's website within forty-five days of distribution, as required by Regulation 18944.1.

Section 2. Application. This Policy applies to tickets that provide admission to a facility, event, show or performance for an entertainment, amusement, recreational or similar purpose, and are either:

- a. gratuitously provided to the Agency by an outside source;
- b. acquired by the Agency by purchase;
- c. acquired by the Agency as consideration pursuant to the terms of a contract for the use of an Agency venue; or
- d. acquired and distributed by the Agency in any other manner.

Section 3. Scope. This Policy applies to all Public Officials, as defined, below.

Section 4. Definitions. Unless otherwise expressly provided herein, words and terms used in this Policy shall have the same meaning as that ascribed to such words and terms in the Political Reform Act of 1974 (Government Code section 81000 et seq., as the same may from time to time be amended) and the Fair Political Practices Commission ("FPPC") Regulations (Title 2, California Code of Regulations, section 18110 et seq., as the same may from time to time be amended).

- a. "Agency" means the Big Bear Area Regional Wastewater Agency.
- b. "Immediate family" means the Public Official's spouse and dependent children.

- c. “Policy” means this Policy for the Distribution of Tickets and/or Passes.
- d. “Public Official” means every member, officer, employee or consultant of the Agency, as defined by Government Code section 82048 and Regulation 18700.3. Such term shall include, without limitation, any Board member, or other appointed official, or employee or consultant required to file an annual Statement of Economic Interests (Form 700).
- e. “Ticket” shall mean and refer to a “ticket or pass” as those terms are defined in Regulation 18946 and referenced in Regulation 18944.1, both Regulations as amended from time to time, but which currently define “ticket or “pass” as anything that provides admission or access to a facility, event, show or performance for an entertainment, amusement, recreational or similar purpose.

Section 5. General Provisions.

- a. The use of complimentary tickets is a privilege extended by the Agency and not the right of any person to which the privilege may from time to time be extended.
- b. Tickets distributed to a Public Official pursuant to this Policy shall not be transferred to any other person, except to members of such Public Official’s immediate family solely for their personal use or to no more than one guest solely for their attendance at the event.
- c. No person who receives a ticket pursuant to this Policy shall resell or receive compensation for the value of such ticket.
- d. The General Manager shall have the authority, in his or her sole discretion, to establish procedures for the distribution of tickets in accordance with this Policy. All requests for tickets which fall within the scope of this Policy shall be made in accordance with the procedures established by the General Manager.
- e. The General Manager or his/her designee shall be the “agency head” for purposes of implementing the provisions of this Policy and completing and posting the Form 802. In such case, where the General Manager desires to obtain a ticket, the Governing Board authorizes the General Manager to exercise the Agency’s sole discretion in determining whether the General Manager’s use or behest of tickets is in accordance with the terms of this Policy.
- f. No ticket gratuitously provided to the Agency by an outside source and distributed to, or at the behest of, a Public Official pursuant to this Policy shall be earmarked by the original source for provision to a particular Public Official.
- g. A ticket provided to a Public Official and one guest of the Official at which the Official performs a ceremonial role, as defined in Regulation 18942.3, on behalf of the Agency must be disclosed on Form 802 as set forth below. Any additional effort by the Agency

to either limit or expand permissible ceremonial roles will require that the revised policy be forwarded to the FPPC.

- ~~h. b.— Consideration of equal or greater value shall be presumed if the~~The disproportionate use of tickets and/or passes are, distributed pursuant to this Policy by a member of the governing body, political appointee, department head, and General Manager is prohibited.

~~e.— Unless exempted otherwise under state law, any ticket and/or pass received or directed for use by an Agency official not in conformance with this policy remains subject to a separate disclosure requirements and the annual gift limit.~~

~~d.— This policy does not generally apply to political or nonprofit fundraisers which are governed under a separate policy.~~

~~e.— Tickets and/or passes to events that primarily provide informational material and is provided to assist the Agency official in the performance of his or her official duties or that of his or her elected office being sought is also not generally subject to this policy. As any event becomes more entertainment oriented, this policy as well as Agency counsel should be consulted.~~

~~**Section 3. Official Duties; Ceremonial Roles.** Tickets provided to public officials as part of their official duties, or tickets provided so that the public official may perform a ceremonial role or function on behalf of the Agency shall not be subject to this Tickets and/or Passes Distribution Policy. These tickets are exempt from any disclosure or reporting requirements.~~

~~**Section 4. Public Purpose.** Agency may accomplish one or more public purposes of the Agency through the distribution of tickets to, or at the behest of, an Agency official. The following list is illustrative rather than exhaustive, of the public purposes of the Agency that may be served by Agency officials attending events using tickets distributed to them by the Agency.~~

~~a. Promotion of environmentally friendly, wastewater conveyance, treatment and disposal within the Agency, regionally and statewide.~~

- ~~i. The value of any ticket shall be the fair value of the ticket. The “fair value” is the face value of the ticket, or the price at which the ticket would otherwise be offered for sale to the general public by the operator or host. Where the ticket does not reflect the actual cost for a ticket in a luxury box or suite, the face value is determined by dividing the total cost of the box or suite by the number of tickets available for that box or suite.~~

Section 6. Public Purposes for Which Tickets May be Distributed. Subject to the provisions of this Policy, the Agency shall only provide a ticket and/or pass to a Public

Official, or at the behest of a Public Official, under one of the following public and governmental purposes.

- a. If the distribution is to a Public Official and the Official reimburses the Agency for the fair value of the ticket(s).
- b. If the distribution is to a Public Official, the Official treats the ticket(s) as income consistent with applicable federal and state income tax laws and the Agency complies with the reporting requirements of Section 7, below.
- c. If the distribution is to a Public Official, or is at the behest of a Public Official, such distribution must accomplish a governmental and/or public purpose. The following is a list of governmental and/or public purpose the Agency may accomplish through the distribution of tickets. The list is illustrative rather than exhaustive:
 1. Facilitating the performance of a ceremonial role or function by a Public Official on behalf of the Agency at an event.
 2. Facilitating the attendance of a Public Official at an event where the job duties of the Official require his or her attendance.
 3. Promotion of Agency issues and interests at events sponsored by or in cooperation and coordination of resources with other governmental agencies, including, but not limited to, attendance at an event with or by elected or appointed public officials from other jurisdictions, government related industry groups, and nonprofit organizations and their staff members and their guests.
 4. Promotion of local and regional businesses, economic development and tourism activities within the Agency that serve or may potentially serve the Agency's residents, including conventions and conferences.
 5. Promotion of Agency-run, sponsored or supported events, activities, or programs.
 6. Promotion of community programs and resources available to Agency residents, including nonprofit organizations and youth programs.
 7. ~~b.~~ Marketing promotions highlighting the achievements of public local residents, nonprofits, community groups and businesses ~~in the related to environmentally friendly, wastewater conveyance, disposal.~~
 8. ~~e.~~ Promotion and marketing of Agency facilities and resources available for public use.
 9. Promotion and marketing of private facilities available for Agency resident use, including charitable and nonprofit facilities.

10. Promotion of Agency growth and development, including outreach efforts, economic development and job creation opportunities.
11. Promotion of specific Agency community events provided by or sponsored by the Agency.
12. Promotion of environmentally friendly, wastewater conveyance, treatment and disposal within the Agency, regionally and statewide.
13. Exchange programs with foreign officials and dignitaries.
14. Promotion of Agency recognition, visibility, and/or profile on a local, state, national or international scale.
- ~~e. Promotion of Agency issues and interests at events sponsored by other governmental agencies and government related industry groups, and nonprofit organizations.~~
15. Promotion of Agency services on a local, state, national or worldwide scale.
16. Promotion of open government and/or community relations by Public Official appearances, participation and/or availability at business or community events.
17. ~~f.~~ Sponsorship agreements involving private events where Agency specifically seeks to enhance ~~Agency's~~Agency's reputation both locally and regionally by serving as hosts providing the necessary opportunities to meet and greet visitors, dignitaries, and residents.
18. ~~g.~~ All written contracts where Agency as a form of consideration has required that a certain number of tickets or suites be made available for its use.
19. ~~h.~~ Employment retention programs.
20. Special outreach programs for veterans, teachers, emergency services, medical personnel and other civil service occupations.
21. Encouraging or rewarding significant academic, athletic, or public service achievements by residents or businesses of the Agency service area.
22. ~~i.~~ Charitable 501 (c)(3) fundraisers for the purpose of networking with other community and civic leaders.
23. Promotion of and participation in intergovernmental relations and activities.
24. Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting Agency residents.

25. Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the Agency's service area.
26. Attracting or rewarding volunteer public service.
27. Attracting and retaining highly qualified employees in the Agency's service.
28. Recognizing or rewarding meritorious service by an Agency employee.
29. Promoting enhanced Agency employee performance or morale.
30. Recognizing contributions made to the Agency by former Governing Board members or Agency employees.
31. ~~j.~~ Spouses of Agency officials in order to accompany him or her to any of the events listed above.
32. ~~k.~~ Any purpose similar to above included in any Agency contract.

~~**Section 5. Return of Tickets.** Any public official or any member of the public official's immediate family may return any ticket unused to the Agency for redistribution pursuant to this policy. Government Code section 82029 has defined immediate family to mean spouse and dependent children. Under no reasons, may either the public official or a member of his or her immediate family sell or further transfer any ticket and/or pass provided under this policy.~~

~~**Section 6. General Manager.** The Agency delegates the authority to distribute any tickets and/or passes in accordance with this policy to the General Manager or his or her designee. In such case, where the General Manager desires to obtain a ticket or pass, the Governing Board authorizes the Board Chair to exercise the Agency's sole discretion in determining whether the General Manager's use or behest of tickets and/or passes is in accordance to the terms of this policy.~~

~~**Section 7. Solicitation of Donated Tickets and/or Passes.** The General Manager may authorize Agency staff to approach companies or organizations to request donation of tickets and/or passes to facilitate the achievement of the governmental and public purposes described below.~~

~~**Section 8. Transfer Prohibition.** The transfer by any public official of any tickets and/or passes distributed pursuant to this policy to any other person, except to members of the public official's immediate family for their personal use, is prohibited.~~

~~**Section 9. Website Posting.** This policy shall be posted on the Agency's website in a prominent fashion. These forms shall be posted for 12 months and may be removed at the Agency's discretion anytime thereafter.~~

d. When a public purpose involves the oversight or inspection of facilities by a Public Official, the Public Official is required to provide a written inspection report and/or recommendation.

e. If the distribution is to an organization outside of the Agency, such distribution is done pursuant to a public purpose outlined in Section 6c, above.

f. Subject to the provisions of this Policy, tickets obtained by the Agency pursuant to terms of a contract for use of public property because the Agency controls the event, or, by purchase at fair market value, may be distributed to Public Officials. Any distribution must accomplish a governmental and/or public purpose in accordance with Section 6c, above.

g. Any ticket obtained pursuant to Section 6f which is distributed to a Public Official, other than an elected official or member of the governing body of the Agency, for the Official's personal use, to support general employee morale, retention, or to reward public service is also deemed to serve a public purpose. Such ticket distribution shall be disclosed pursuant to Section 7, below. For purposes of this subsection, "personal use" is defined as use by the Public Official, his or her family, or no more than one guest.

h. The disproportionate use of tickets and passes, distributed pursuant to this Policy by a member of the governing body, political appointee, department head, and General Manager is prohibited.

i. The value of any ticket shall be the fair value of the ticket. The "fair value" is the face value of the ticket, or the price at which the ticket would otherwise be offered for sale to the general public by the operator or host. Where the ticket does not reflect the actual cost for a ticket in a luxury box or suite, the face value is determined by dividing the total cost of the box or suite by the number of tickets available for that box or suite.

Section 7. Website Posting and Disclosure Requirements.

~~a. Section 10. Website Disclosure. The distribution of a tickets or passes pursuant to~~ This Policy shall be posted on the Agency website in a prominent ~~fashion~~manner. The Agency shall, within 30 days ~~after the ticket distribution and shall include all the information~~of adoption or amendment, send to the FPPC by email a website link that displays the policy.

~~b. as required under Section 18944.1. Any such posting shall use FPPC~~ Tickets distributed by the Agency to any Public Official which pursuant to this Policy the Public Official treats as income pursuant to Section 6b, above, or, which are distributed for one or more public purposes described in Section 6c, above, must be recorded on Form 802 or, on such alternative ~~form~~form(s) as may ~~be approved or amended~~from time to time. ~~be~~ designated by the FPPC. This form must be maintained as a public record, and be subject to inspection and copying as required under Government Code section 81008(a). Within 45 days the Agency must post these forms on its website and email a website link to the FPPC that displays the form.

c. Tickets distributed by the Agency for which the Agency receives reimbursement from the Public Official as provided under this Policy, shall not be subject to the disclosure provisions of this section.

d. For tickets distributed to a department or other unit of the Agency, and not used by a member of the Board, political appointee, a department head or the General Manager, the Agency may report the name of the department or other unit of the Agency and the number of tickets provided to the department or other unit in lieu of posting the name of the individual employee(s) as otherwise required.

e. Tickets distributed pursuant to this Policy to an organization outside of the Agency, shall be disclosed in accordance with this section, but, may be done by reporting the name, address, description of the organization, and the number of tickets or passes provided to the organization in lieu of posting the names of each individual from the organization as otherwise required.

AYES:

NOES:

ABSENT:

Elizabeth Harris, Chair of the Governing Board
of the Big Bear Area Regional Wastewater
Agency

ATTEST:

John Day, Secretary of the Governing Board of
the Big Bear Regional Wastewater Agency

RESOLUTION NO. R. 10-2019

**A RESOLUTION OF THE GOVERNING BOARD OF THE
BIG BEAR AREA REGIONAL WASTEWATER AGENCY
ADOPTING AND AMENDING THE DISTRIBUTION
POLICY OF TICKETS AND/OR PASSES TO CONFORM
WITH REGULATIONS OF THE FAIR POLITICAL
PRACTICES COMMISSION**

WHEREAS, the Fair Political Practices Commission (“FPPC”) adopted Section 18944.1, Title 2, California Code of Regulations (Regulation 18944.1) to regulate the distribution and disclosure by public agencies of certain tickets and passes to public officials and employees; and

WHEREAS, Regulation 18944.1 provides that a ticket and pass distributed pursuant to an adopted policy and properly disclosed by the agency is not a gift to the public official and does not trigger a disclosure requirement on the official’s Statement of Economic Interests, Form 700; and

WHEREAS, the Big Bear Area Regional Wastewater Agency (“Agency”) adopted a ticket distribution policy pursuant to Regulation 18944.1 to provide for the distribution of such tickets or passes; and

WHEREAS, on May 16, 2019, the FPPC amended and adopted Regulation 18944.1 in order to clarify the valuation of tickets and passes, and include revisions affecting public agency distribution policy requirements; and

WHEREAS, from time to time, the Agency may receive complimentary or discounted "tickets or passes" from third party sources, both public and private, for distribution to Agency officials; and

WHEREAS, the distribution to and use of such tickets and passes by Agency officials frequently serve legitimate governmental and/or public purposes; and

WHEREAS, based on such practice and the amended Regulation 18944.1, the Agency desires to update its policy regarding the distribution of tickets and/or passes; and

WHEREAS, the proposed Agency Distribution Policy of Tickets and/or Passes incorporates the recent revisions to Regulation 18944.1 by the FPPC to ensure that the policy establishes a fair and equitable process for the distribution to Agency officials of such tickets and passes by the Agency, in compliance with the requirements of FPPC Regulations.

NOW, THEREFORE, BE IT RESOLVED, the Governing Board of the Big Bear Area Regional Wastewater Agency hereby adopts the following:

Section 1. The foregoing recitals are true and correct.

Section 2. Resolution No. R.05-2009, adopted September 23, 2009, and all other previous ticket distribution policies adopted by the Governing Board of Big Bear Area Regional Wastewater Agency, are hereby repealed in their entirety.

Section 3. The Governing Board hereby approves and adopts the Big Bear Area Regional Wastewater Agency’s Distribution Policy of Tickets and/or Passes as amended in accordance with FPPC Regulations, and attached hereto as Exhibit “A.”

Section 4. The General Manager is directed to implement this Policy.

Section 5. The Resolution shall take effect immediately upon adoption.

Section 6. The Secretary of the Board shall certify the adoption of this Resolution.

PASSED, APPROVED AND 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 Resolution of the Governing Board of the Big Bear Area Regional Wastewater Agency Adopting and Amending the Distribution Policy of Tickets and/or Passes to Conform with Regulations of the Fair Political Practices Commission, being Resolution No. R. 10-2019 was adopted at a regular meeting on August 28, 2019, of said Agency by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

EXHIBIT 'A'

BIG BEAR AREA REGIONAL WASTEWATER AGENCY TICKETS AND/OR PASSES DISTRIBUTION POLICY

Section 1. Purpose of Policy. The purpose of this Policy is to ensure that all tickets and/or passes provided to the Agency are distributed in furtherance of governmental and/or public purposes as required under Section 18944.1, Title 2, California Code of Regulations (“Regulation 18944.1”).

In addition, the purpose of this Policy is to ensure that tickets distributed by the Agency under this Policy are disclosed on Form 802 and posted to the Agency’s website within forty-five days of distribution, as required by Regulation 18944.1.

Section 2. Application. This Policy applies to tickets that provide admission to a facility, event, show or performance for an entertainment, amusement, recreational or similar purpose, and are either:

- a. gratuitously provided to the Agency by an outside source;
- b. acquired by the Agency by purchase;
- c. acquired by the Agency as consideration pursuant to the terms of a contract for the use of an Agency venue; or
- d. acquired and distributed by the Agency in any other manner.

Section 3. Scope. This Policy applies to all Public Officials, as defined, below.

Section 4. Definitions. Unless otherwise expressly provided herein, words and terms used in this Policy shall have the same meaning as that ascribed to such words and terms in the Political Reform Act of 1974 (Government Code section 81000 et seq., as the same may from time to time be amended) and the Fair Political Practices Commission (“FPPC”) Regulations (Title 2, California Code of Regulations, section 18110 et seq., as the same may from time to time be amended).

- a. “Agency” means the Big Bear Area Regional Wastewater Agency.
- b. “Immediate family” means the Public Official’s spouse and dependent children.
- c. “Policy” means this Policy for the Distribution of Tickets and/or Passes.
- d. “Public Official” means every member, officer, employee or consultant of the Agency, as defined by Government Code section 82048 and Regulation 18700.3. Such term shall include, without limitation, any Board member, or other appointed official, or employee or consultant required to file an annual Statement of Economic Interests (Form 700).

e. "Ticket" shall mean and refer to a "ticket or pass" as those terms are defined in Regulation 18946 and referenced in Regulation 18944.1, both Regulations as amended from time to time, but which currently define "ticket or "pass" as anything that provides admission or access to a facility, event, show or performance for an entertainment, amusement, recreational or similar purpose.

Section 5. General Provisions.

- a. The use of complimentary tickets is a privilege extended by the Agency and not the right of any person to which the privilege may from time to time be extended.
- b. Tickets distributed to a Public Official pursuant to this Policy shall not be transferred to any other person, except to members of such Public Official's immediate family solely for their personal use or to no more than one guest solely for their attendance at the event.
- c. No person who receives a ticket pursuant to this Policy shall resell or receive compensation for the value of such ticket.
- d. The General Manager shall have the authority, in his or her sole discretion, to establish procedures for the distribution of tickets in accordance with this Policy. All requests for tickets which fall within the scope of this Policy shall be made in accordance with the procedures established by the General Manager.
- e. The General Manager or his/her designee shall be the "agency head" for purposes of implementing the provisions of this Policy and completing and posting the Form 802. In such case, where the General Manager desires to obtain a ticket, the Governing Board authorizes the General Manager to exercise the Agency's sole discretion in determining whether the General Manager's use or behest of tickets is in accordance with the terms of this Policy.
- f. No ticket gratuitously provided to the Agency by an outside source and distributed to, or at the behest of, a Public Official pursuant to this Policy shall be earmarked by the original source for provision to a particular Public Official.
- g. A ticket provided to a Public Official and one guest of the Official at which the Official performs a ceremonial role, as defined in Regulation 18942.3, on behalf of the Agency must be disclosed on Form 802 as set forth below. Any additional effort by the Agency to either limit or expand permissible ceremonial roles will require that the revised policy be forwarded to the FPPC.
- h. The disproportionate use of tickets and passes, distributed pursuant to this Policy by a member of the governing body, political appointee, department head, and General Manager is prohibited.
- i. The value of any ticket shall be the fair value of the ticket. The "fair value" is the face value of the ticket or the price at which the ticket would otherwise be offered for sale to the general public by the operator or host. Where the ticket does not reflect the actual cost

for a ticket in a luxury box or suite, the face value is determined by dividing the total cost of the box or suite by the number of tickets available for that box or suite.

Section 6. Public Purposes for Which Tickets May be Distributed. Subject to the provisions of this Policy, the Agency shall only provide a ticket and/or pass to a Public Official, or at the behest of a Public Official, under one of the following public and governmental purposes.

- a. If the distribution is to a Public Official and the Official reimburses the Agency for the fair value of the ticket(s).
- b. If the distribution is to a Public Official, the Official treats the ticket(s) as income consistent with applicable federal and state income tax laws and the Agency complies with the reporting requirements of Section 7, below.
- c. If the distribution is to a Public Official or is at the behest of a Public Official, such distribution must accomplish a governmental and/or public purpose. The following is a list of governmental and/or public purpose the Agency may accomplish through the distribution of tickets. The list is illustrative rather than exhaustive:
 1. Facilitating the performance of a ceremonial role or function by a Public Official on behalf of the Agency at an event.
 2. Facilitating the attendance of a Public Official at an event where the job duties of the Official require his or her attendance.
 3. Promotion of Agency issues and interests at events sponsored by or in cooperation and coordination of resources with other governmental agencies, including, but not limited to, attendance at an event with or by elected or appointed public officials from other jurisdictions, government related industry groups, and nonprofit organizations and their staff members and their guests.
 4. Promotion of local and regional businesses, economic development and tourism activities within the Agency that serve or may potentially serve the Agency's residents, including conventions and conferences.
 5. Promotion of Agency-run, sponsored or supported events, activities, or programs.
 6. Promotion of community programs and resources available to Agency residents, including nonprofit organizations and youth programs.
 7. Marketing promotions highlighting the achievements of public local residents, nonprofits, community groups, and businesses.
 8. Promotion and marketing of Agency facilities and resources available for public use.

9. Promotion and marketing of private facilities available for Agency resident use, including charitable and nonprofit facilities.
10. Promotion of Agency growth and development, including outreach efforts, economic development, and job creation opportunities.
11. Promotion of specific Agency community events provided by or sponsored by the Agency.
12. Promotion of environmentally friendly, wastewater conveyance, treatment and disposal within the Agency, regionally and statewide.
13. Exchange programs with foreign officials and dignitaries.
14. Promotion of Agency recognition, visibility, and/or profile on a local, state, national or international scale.
15. Promotion of Agency services on a local, state, national or worldwide scale.
16. Promotion of open government and/or community relations by Public Official appearances, participation and/or availability at business or community events.
17. Sponsorship agreements involving private events where the Agency specifically seeks to enhance the Agency's reputation both locally and regionally by serving as hosts providing the necessary opportunities to meet and greet visitors, dignitaries, and residents.
18. All written contracts where Agency as a form of consideration has required that a certain number of tickets or suites be made available for its use.
19. Employment retention programs.
20. Special outreach programs for veterans, teachers, emergency services, medical personnel, and other civil service occupations.
21. Encouraging or rewarding significant academic, athletic, or public service achievements by residents or businesses of the Agency service area.
22. Charitable 501 (c)(3) fundraisers for the purpose of networking with other community and civic leaders.
23. Promotion of and participation in intergovernmental relations and activities.
24. Promoting, supporting, and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting Agency residents.
25. Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the Agency's service area.

26. Attracting or rewarding volunteer public service.
27. Attracting and retaining highly qualified employees in the Agency's service.
28. Recognizing or rewarding meritorious service by an Agency employee.
29. Promoting enhanced Agency employee performance or morale.
30. Recognizing contributions made to the Agency by former Governing Board members or Agency employees.
31. Spouses of Agency officials in order to accompany him or her to any of the events listed above.
32. Any purpose similar to above included in any Agency contract.

d. When a public purpose involves the oversight or inspection of facilities by a Public Official, the Public Official is required to provide a written inspection report and/or recommendation.

e. If the distribution is to an organization outside of the Agency, such distribution is done pursuant to a public purpose outlined in Section 6c, above.

f. Subject to the provisions of this Policy, tickets obtained by the Agency pursuant to terms of a contract for use of public property because the Agency controls the event, or, by purchase at fair market value, may be distributed to Public Officials. Any distribution must accomplish a governmental and/or public purpose in accordance with Section 6c, above.

g. Any ticket obtained pursuant to Section 6f which is distributed to a Public Official, other than an elected official or member of the governing body of the Agency, for the Official's personal use, to support general employee morale, retention, or to reward public service is also deemed to serve a public purpose. Such ticket distribution shall be disclosed pursuant to Section 7, below. For purposes of this subsection, "personal use" is defined as use by the Public Official, his or her family, or no more than one guest.

h. The disproportionate use of tickets and passes, distributed pursuant to this Policy by a member of the governing body, political appointee, department head, and General Manager is prohibited.

i. The value of any ticket shall be the fair value of the ticket. The "fair value" is the face value of the ticket or the price at which the ticket would otherwise be offered for sale to the general public by the operator or host. Where the ticket does not reflect the actual cost for a ticket in a luxury box or suite, the face value is determined by dividing the total cost of the box or suite by the number of tickets available for that box or suite.

Section 7. Website Posting and Disclosure Requirements.

a. This Policy shall be posted on the Agency website in a prominent manner. The Agency shall, within 30 days of adoption or amendment, send to the FPPC by email a website link that displays the policy.

b. Tickets distributed by the Agency to any Public Official which pursuant to this Policy the Public Official treats as income pursuant to Section 6b, above, or, which are distributed for one or more public purposes described in Section 6c, above, must be recorded on Form 802 or, on such alternative form(s) as may from time to time be designated by the FPPC. This form must be maintained as a public record and be subject to inspection and copying as required under Government Code section 81008(a). Within 45 days the Agency must post these forms on its website and email a website link to the FPPC that displays the form.

c. Tickets distributed by the Agency for which the Agency receives reimbursement from the Public Official as provided under this Policy, shall not be subject to the disclosure provisions of this section.

d. For tickets distributed to a department or other unit of the Agency, and not used by a member of the Board, political appointee, a department head or the General Manager, the Agency may report the name of the department or other unit of the Agency and the number of tickets provided to the department or other unit in lieu of posting the name of the individual employee(s) as otherwise required.

e. Tickets distributed pursuant to this Policy to an organization outside of the Agency, shall be disclosed in accordance with this section, but, may be done by reporting the name, address, description of the organization, and the number of tickets or passes provided to the organization in lieu of posting the names of each individual from the organization as otherwise required.