

AMENDMENT NO. 2

TO THE AGREEMENT BETWEEN THE BIG BEAR AREA REGIONAL WASTEWATER AGENCY, CITY OF BIG BEAR LAKE, BIG BEAR CITY COMMUNITY SERVICES DISTRICT AND ZONE B OF COUNTY SERVICE AREA 53 (FAWNSKIN), PREVIOUSLY REFERRED TO AS IMPROVEMENT ZONE "B" OF SAN BERNARDINO COUNTY SERVICE AREA 53, REGARDING PAYMENT AND COLLECTION OF TOTAL ANNUAL CHARGE AND STANDBY CHARGES

1. PARTIES AND DATE:

1.1 Parties: This Amendment No. 2 ("Amendment No. 2") to the Payment and Collection Agreement ("Agreement") is entered into on this **24th day of February 2021** by and between the Big Bear Area Regional Wastewater Agency ("BBARWA"), City of Big Bear Lake ("City"), Big Bear City Community Services District ("District"), and Zone "B" of County Service Area 53 (CSA 53B). City, District, and CSA 53B are referred to herein as "Collecting Agencies." The Collecting Agencies and BBARWA are also sometimes referred to herein as the "Parties."

1.2 Effective Date: This Agreement shall not become effective until the last date ("Effective Date") on which it has been approved and executed by each and all of the Parties.

2. RECITALS

2.1 On or about August 23, 2011, the Collecting Agencies and BBARWA entered into the Agreement in order to provide a new payment schedule for the Total Annual Charge, Service Charge, Infiltration/Inflow Charge, and the Standby Charge, during the term of the Agreement.

2.2 This Amendment No. 2 is authorized pursuant to Sections 3.6 and 3.11 of the Agreement.

3. TERMS

3.1 Term: The first sentence of Section 3.1 of the Agreement is amended to extend the term of the Agreement until June 30, 2026. The balance of Section 3.1 (sentences 2 through 4) regarding the manner of termination of the Agreement shall remain in full force and effect.

3.2 Except as set forth herein, all provisions of the Agreement shall remain in full force and effect, and shall govern the actions of the Parties hereto and the amended provisions as set forth in this Amendment No. 2.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 1 on the date first herein written above.

**BIG BEAR AREA REGIONAL
WASTEWATER AGENCY**

By: [Signature]
Chair of the Governing Board

ATTEST

By: [Signature]
Secretary of the Governing Board

APPROVED AS TO LEGAL FORM

By: [Signature]
General Counsel

**BIG BEAR CITY COMMUNITY
SERVICES DISTRICT**

By: _____
Chairman of the Board of Directors

ATTEST

By: _____
Secretary of the Governing Board

APPROVED AS TO LEGAL FORM

[Signature]
General Counsel

CITY OF BIG BEAR LAKE

By: _____
City Manager

ATTEST

By: _____
City Clerk

APPROVED AS TO LEGAL FORM,

By: [Signature]
City Attorney

COUNTY OF SAN BERNARDINO

By: _____
Chairman of the Board of Supervisors

ATTEST

By: _____
County Clerk

APPROVED AS TO LEGAL FORM

County Counsel

**BIG BEAR AREA REGIONAL
WASTEWATER AGENCY**

By: _____
Chair of the Governing Board

ATTEST

By: _____
Secretary of the Governing Board

APPROVED AS TO LEGAL FORM

By: _____
General Counsel

**BIG BEAR CITY COMMUNITY
SERVICES DISTRICT**

By: _____
Chairman of the Board of Directors

ATTEST

By: _____
Secretary of the Governing Board

APPROVED AS TO LEGAL FORM

By: _____
General Counsel

CITY OF BIG BEAR LAKE

By: _____
City Manager

ATTEST

By: _____
City Clerk

APPROVED AS TO LEGAL FORM

By: _____
City Attorney

COUNTY OF SAN BERNARDINO

By: _____
Chairman of the Board of Supervisors

ATTEST

By: _____
County Clerk

APPROVED AS TO LEGAL FORM

By: _____
County Counsel

**BIG BEAR AREA REGIONAL
WASTEWATER AGENCY**

By: _____
Chair of the Governing Board

ATTEST

By: _____
Secretary of the Governing Board

APPROVED AS TO LEGAL FORM

By: _____
General Counsel

**BIG BEAR CITY COMMUNITY
SERVICES DISTRICT**

By: _____
Chairman of the Board of Directors

ATTEST

By: _____
Secretary of the Governing Board

APPROVED AS TO LEGAL FORM

General Counsel

CITY OF BIG BEAR LAKE

By: _____
City Manager

ATTEST

By: _____
City Clerk

APPROVED AS TO LEGAL FORM

By: Stephen P. Bertsch
City Attorney

COUNTY OF SAN BERNARDINO

By: _____
Chairman of the Board of Supervisors

ATTEST

By: _____
County Clerk

APPROVED AS TO LEGAL FORM

County Counsel

**BIG BEAR AREA REGIONAL
WASTEWATER AGENCY**

By: [Signature]
Chair of the Governing Board

ATTEST

DocuSigned by:
By: [Signature]
167A8F8C418044E
Secretary of the Governing Board

APPROVED AS TO LEGAL FORM

By: _____
General Counsel

**BIG BEAR CITY COMMUNITY
SERVICES DISTRICT**

By: _____
Chairman of the Board of Directors

ATTEST

By: _____
Secretary of the Governing Board

APPROVED AS TO LEGAL FORM

General Counsel

CITY OF BIG BEAR LAKE

By: _____
City Manager

ATTEST

By: _____
City Clerk

APPROVED AS TO LEGAL FORM

By: _____
City Attorney

COUNTY OF SAN BERNARDINO

By: [Signature]
Chairman of the Board of Supervisors

ATTEST

By: [Signature]
County Clerk



APPROVED AS TO LEGAL FORM

[Signature]
Dawn M. Martin (Apr 5, 2021 13:38 PDT)

County Counsel



**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE BOARD GOVERNED COUNTY SERVICE AREAS
AND RECORD OF ACTION**

May 18, 2021

FROM

BRENDON BIGGS, Director, Department of Public Works – Special Districts

SUBJECT

Amendment to Agreement Between County Service Area 53 Zone B Fawnskin and Big Bear Area Regional Wastewater Agency

RECOMMENDATION(S)

Acting as the governing body of County Service Area 53 Zone B Fawnskin, approve **Amendment No. 2 to Agreement No. 11-610** with the Big Bear Area Regional Wastewater Agency for treatment and disposal of County Service Area 53 Zone B sewage wastewater, extending the term by five years from July 1, 2021 to June 30, 2026.
(Presenter: Brendon Biggs, Director, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

**Operate in a Fiscally-Responsible and Business-Like Manner.
Pursue County Goals and Objectives by Working with Other Agencies.**

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). Annual payments to the Big Bear Area Regional Wastewater Authority (BBARWA) for costs associated with the treatment and disposal of County Service Area 53 Zone B (CSA 53B) sewage wastewater will vary based upon BBARWA's actual costs in the preceding fiscal year and the three-year average flow of wastewater collected by CSA 53B. For reference, the 2020-21 payment amount is \$270,516, which equates to \$214.02 per equivalent dwelling unit (EDU). An EDU is a unit of measure for the wastewater generated from a particular building, structure, or home. The number of plumbing fixtures in a structure determines the number of EDUs. A typical residential home is one EDU. A portion of the revenue generated from user fees and service charges on properties within CSA 53B will be used to fund the annual payments to BBARWA.

Appropriation and revenue pertaining to this amendment will be included in the 2021-22 recommended budget for CSA 53B and subsequent recommended budgets as appropriate.

BACKGROUND INFORMATION

CSA 53B operates and maintains a wastewater collection system for the community of Fawnskin with 970 sewer connections (1,264 EDUs). On August 23, 2011 (Item No. 80), the Board of Supervisors (Board) approved Agreement No. 11-610 with BBARWA for the treatment and disposal of wastewater from the CSA 53B collection system for a term of July 1, 2011 through June 30, 2016. On April 19, 2016 (Item No. 77), the Board approved Amendment No. 1 that extended the term of Agreement No. 11-610 by five years through June 30, 2021.

**Amendment to Agreement Between County Service Area 53 Zone B
Fawnskin and Big Bear Area Regional Wastewater Agency
May 18, 2021**

The Department of Public Works - Special Districts recommends that Agreement No. 11-610 be extended by five additional years, from July 1, 2021 to June 30, 2026, as BBARWA is the only wastewater treatment facility option in the Big Bear region. This amendment was approved by BBARWA at its board meeting on February 24, 2021.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Dawn Martin, Deputy County Counsel, 387-5455) on March 23, 2021; Finance (Tom Forster, Administrative Analyst, 387-4635) on March 31, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on April 5, 2021.

**Amendment to Agreement Between County Service Area 53 Zone B
Fawnskin and Big Bear Area Regional Wastewater Agency
May 18, 2021**

Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Janice Rutherford
Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: May 18, 2021



cc: SDD/BGCSA- Samaras w/agree
Contractor- C/O SDD/BGCSA w/agree
File- w/agree
LA 05/26/2021

THE INFORMATION IN THIS BOX IS NOT A PART OF THE CONTRACT AND IS FOR COUNTY USE ONLY



Contract Number
11-610 AZ

SAP Number

County Service Area 53B Fawnskin

Department Contract Representative Steve Samaras, Division Manager
Telephone Number (760) 962-1515

Contractor BBARWA
Contractor Representative David Lawrence, General Manager
Telephone Number (909) 584-4018
Contract Term 5 Years
Original Contract Amount N/A
Amendment Amount N/A
Total Contract Amount N/A
Cost Center 3650004536

Briefly describe the general nature of the contract:

Amendment No. 2 to the Big Bear Area Regional Wastewater Authority (BBARWA) and County Service Area 53B Fawnskin (CSA 53B) agreement for the provision of treatment and disposal of sewage wastewater from CSA 53B, extending the term five years from July 1, 2021 to June 30, 2026.

FOR COUNTY USE ONLY

Approved as to Legal Form

Dawn M. Martin
Dawn Martin, County Counsel

Date Apr 5, 2021

Reviewed for Contract Compliance

Date _____

Reviewed/Approved by Department

Trevor Leja
Trevor Leja, Deputy Director

Date May 6, 2021