

RESOLUTION NO. DWP 2007-08

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE DEPARTMENT OF WATER & POWER
CITY OF BIG BEAR LAKE,
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA**

**RESCINDING AND REPLACING RESOLUTION NO. DWP 2005-03 AND
ADOPTING UPDATED REGULATIONS FOR THE RETROFIT ON CHANGE
OF SERVICE PROGRAM**

WHEREAS, on December 17, 2002, the Board of Commissioners of the Department of Water and Power, City of Big Bear Lake (the "DWP") declared a water shortage emergency within the DWP service area in accordance with Water Code sections 350 *et seq.*; and

WHEREAS, water shortage emergency conditions continue to exist, given that the estimate of perennial yield of the aquifers, water usage by customers, and the anticipated growth of the community within the DWP service area indicate that water demand may exceed supply within the next twenty years; and

WHEREAS, in order to protect DWP's water supply for human consumption, sanitation and fire protection, the DWP has adopted regulations that improve water use efficiency; and

WHEREAS, on May 25, 2004, the DWP Board of Commissioners adopted Resolution No. DWP 2004-05 which established, among other things, the retrofit on change of service program in DWP's service area; and

WHEREAS, the Retrofit on Change of Service Program was designed to promote water conservation by requiring the installation of water-efficient faucets, showerheads, and toilets; and

WHEREAS, on February 22, 2005, the DWP Board of Commissioners adopted Resolution No. DWP 2005-03 which updated the Retrofit on Change of Service Program; and

WHEREAS, in accordance with the authority granted by Water Code sections 350 and 375, the DWP Board desires to update and clarify the DWP's retrofitting requirements for the purposes of facilitating the enforcement of these water conservation measures.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the DWP, City of Big Bear Lake, as follows:

Section ROCS 1. Incorporation.

The recitals set forth above are incorporated herein and made an operative part of this Resolution.

Section ROCS 2. **Rescission.**

Resolution No. DWP 2005-03 is hereby rescinded and replaced in its entirety by this Resolution.

Section ROCS 3. **Purpose.**

The purpose of this Resolution is to update and clarify the rules and regulations of the Retrofit on Change of Service Program which will thereby promote water conservation.

Section ROCS 4. **Retrofit Requirements.**

A. **Retrofit Standards.** Faucets and showerheads must have flow rates of 2.5 gallons per minute or less. Toilets must have flush volumes of 1.6 gallons per flush or less.

B. **Retrofit.** Upon a change of service, all faucets, showerheads, and toilets shall be inspected by the property owner to determine whether the fixtures of the property meet the retrofit standards set forth in Section 4.A. of this Resolution. If the inspection reveals non-compliant fixtures, the property owner shall retrofit all such fixtures in accordance with the foregoing retrofit standards. A change of service occurs whenever the party responsible for the water bill at a property changes in the DWP's records.

C. **Certificate of Compliance.** Within ninety (90) days of the change of service, the customer, shall file with the DWP a written certification of compliance ("certificate of compliance"), signed under penalty of perjury, confirming that all faucets, showerheads, and toilets conform with the requirements herein. If the customer fails to provide a certificate of compliance within 90 days of the change in service, the DWP shall be authorized to implement the failure to comply procedures in accordance with Section ROCS 7.

Section ROCS 5. **Compliance Inspections.**

Any certificate of compliance, which is submitted to the DWP pursuant to Section ROCS 4, may be subject to verification through an inspection of the customer's premises by DWP staff. Authority and permission to enter the premises, for the purposes of verifying compliance with this Resolution shall be granted by the customer to DWP staff upon request and presentation of official identification. Compliance inspections will consist of a complete survey of all faucets, showerheads, and toilets of the premises to evaluate whether or not they comply with the flow rates or flush volumes specified herein. If any customer refuses admittance to, or hinders or prevents inspection of his or her premises, the DWP shall be authorized to implement the failure to comply procedures in accordance with Section ROCS 7.

Section ROCS 6. **Exception**

A property owner may file a written request for relief from the retrofit requirements of ROCS 4, whenever there are exceptional, unusual and peculiar circumstances involved with retrofitting the property in question. Such a written request shall include all information he or she deems necessary for evaluation and resolution of the request and shall be filed within thirty (30) days of the change in water service.

The General Manager or designee shall review all requests for relief and may grant relief in instances when a property owner clearly demonstrates that he or she qualifies for the foregoing exemption. The General Manager or designee may grant, deny or modify the request for relief or impose any conditions he deems appropriate. The General Manager or designee shall inform the property owner of the decision in writing. The property owner shall have the right to appeal the decision of the General Manager or designee to the Board of Commissioners. The appeal must be in writing and received by the DWP within thirty (30) days of the date of the written decision of the General Manager or designee. The appeal shall be heard by the Board of Commissioners within a reasonable time of the date the appeal is submitted to the DWP. The DWP shall provide written notice, the time, and date of said hearing to the property owner. At the hearing, the Board of Commissioners may affirm, reverse or modify the decision of the General Manager or designee. The decision of the Board of Commissioners shall be final.

Section ROCS 7. Failure to Comply.

Violations of this resolution may result in the actions set forth in the failure to comply provisions of Resolution No. DWP 2006-13 as now written or as amended from time to time.

Passed, approved and adopted this 24th day of April, 2007.

AYES: **Willey, Conley, Speyers, Miller**
NOES: **None**
ABSENT: **Giamarino**
ABSTAIN: **None**

4/24/07
(Date)

Barbara Willey
Barbara Willey, Chairwoman

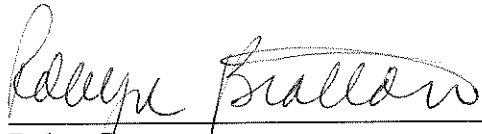
ATTEST:
Robyn Bratton
Robyn Bratton
Secretary to the Board

Certification

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF BIG BEAR LAKE)

I, Robyn Bratton, Secretary to the Board of Commissioners of the Department of Water & Power of the City of Big Bear Lake, California, do hereby certify that the whole number of members of said Board is five; that the foregoing Resolution, being Resolution No. DWP 2007-08, was duly passed and adopted by the said Board, and attested to by the Secretary of said Board, all at a Regular meeting of the said Board, held on the 24th day of April 2007, that the same was so passed and adopted by the following vote:

AYES: **Willey, Conley, Speyers, Miller**
NOES: **None**
ABSTAIN: **None**
ABSENT: **Giamarino**



Robyn Bratton
Secretary to the Board